

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Atty. Dkt. No. MAC 490-9

DAVID C. DRUMMOND

Application No. : 10/617,267

Filed: July 11, 2003

For: POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM
CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT

RENEWED PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Decision on Petition, which was mailed on March 4, 2008 dismissing the Petition to Revive the above identified application, Applicant, David C. Drummond, respectfully requests reconsideration of this renewed petition in view of the evidence submitted herewith.

Applicant requests that the time period for filing the renewed petition be extended one month to June 4, 2008. The extension is necessary to allow sufficient time for the undersigned attorney to review and organize the substantial amount of evidence provided by the Applicant in support of his assertion of unintentional abandonment. The \$60.00 small entity extension fee is hereby authorized to be charged to Deposit Account No. 10-1213. .

The evidence in support of this renewed petition is submitted herewith in the attached Evidence Appendix (EA). Also submitted herewith is the declaration of the Applicant, David C. Drummond. As the evidence presented herewith

clearly establishes, at no time from the time the subject application went abandoned on December 9, 2003 for failure to respond to a Notice to File Missing parts until now, has Applicant ever intended that the subject application go abandoned. Further, at no time since Applicant discovered on June 27, 2007 that the application was abandoned, has Applicant intended to let the application stay abandoned.

In spite of the long period of time that has elapsed since the application went abandoned (over 4 years), the undersigned attorney respectfully submits that the extenuating circumstances of this particular case clearly justify granting the petition, since the requisite for granting the petition (unintentional abandonment for the entire abandonment period) is clearly established by the evidence. More particularly, the evidence shows that the application was filed as a pro se inventor case as no Power of Attorney to any agent or attorney was executed by Applicant. However, the subject application was in fact filed by a purported professional engineer in Canada named Brad Little would used his own address as the correspondence address to which all correspondence was sent (until the new Power of Attorney was filed by the undersigned attorney with the Petition to Revive on January 16, 2008).

The evidence also shows that Applicant executed a transmittal letter and an inventor declaration, which were faxed to Mr. Little on July 4, 2003 for filing with the application. The transmittal letter indicates payment of the \$510.00 filing fee was attached, which implied no further action would be necessary of the part of Applicant until the Patent Office issued a first Office Action (EA, pg. 16). As it

now appears, the filing fee was not attached when Mr. Little filed the documents, which resulted in the mailing of the Notice to File Missing Parts on October 8, 2003. At the same time that the US application was filed, Mr. Little also filed a corresponding application in Canada, which has since issued as CA 2,433,952 on January 8, 2008 (EA, pp. 109-110). In the case of the Canadian application, the correspondence address used was in fact Applicant's address. Thus, Applicant was made aware of the progress of that application directly by the Canadian Patent office.

Two other applications were also filed in the US in 2003, but Brad Little never sent any correspondence received from the Patent Office to Applicant after the 3 filings. Initially, Applicant was not concerned since the corresponding Canadian application appeared to be in order. In spite of numerous email messages to Brad Little from 2004 -2007, Applicant was never informed as to the status of the subject US application. Mr. Little did inform an acquaintance of Applicant on November 10, 2004, that two years was a normal turnaround time for the patent office to get to an application and that it had not been two years yet. Mr. Little further stated that it was normal for the patent office to take 3 or more years to act on a high tech invention, which as an aside, the undersigned attorney will attest is correct (EA, pg. 44). Note, this message was sent after the Patent Office mailed the Notice of Abandonment to Brad Little's address on October 20, 2004.

Even after the application was abandoned, Mr. Little assisted Applicant in obtaining costly formal drawings for the subject application, which were filed by

Mr. Little on Applicant's behalf on August 11, 2005. Applicant signed the transmittal letter dated July 27, 2005, which Brad Little later filed with the drawings (EA, pg. 49). Copies of the filed transmittal letter and drawings are in fact in the file wrapper for the subject application. Applicant paid the patent draftsman directly for these drawings. These facts are clear evidence that Applicant had no idea that the application stood abandoned in July 2005 when the drawings were filed.

Applicant became so frustrated at the lack of communication from Mr. Little that he flew, without advance notice, from Nova Scotia to Toronto to meet with Mr. Little in person in January 2006. Later in May 2006, Applicant sent a hand written status inquiry note to the Patent Office, which is also in the application file wrapper and clearly demonstrates that Applicant was still not aware of the abandoned status of the application at that time, almost 3 years after the abandonment (EA, pg. 64). The USPTO did not answer Applicant's inquiry, no doubt because Applicant's address did not match the correspondence address for the application.

By the end of 2006, Applicant had become unhappy with the lack of assistance by Mr. Little in the corresponding Canadian application, which was undergoing prosecution at the time. Applicant decided to engage the assistance of a Canadian Patent Agent, H. Wayne Rock of MacRae & Co., to help prosecute the Canadian application. At the same time, Applicant hired Mr. Rock to determine the status of the 3 US applications filed by Brad Little.

Jones, Tullar & Cooper P.C. (JTC), the firm for which the undersigned attorney works, has had a long standing relationship with MacRae and Co. The undersigned attorney was first contacted by Wayne Rock via email in February 2007 and asked if JTC could locate any information about the subject application and the two other related US patent applications that were filed by Applicant David Drummond. Initially, no information on the filed applications could be obtained since as is now known, the applications were not published. After delays resulting from a heavy workload, missed email messages, misprinted application numbers, etc., JTC drafted and forwarded Powers to Inspect for execution by Applicant on June 14, 2007 so that copies of the files could be obtained by associates of JTC. The files were copied and sent to Mr. Rock, who was informed by a JTC employee of the abandoned status of the subject application on June 26, 2007 (EA, pp. 83-4).

Mr. Rock informed Applicant of the abandonment of the subject application by an email message dated June 27, 2007. At the same time, Applicant confronted Mr. Little about the situation. Mr. Little evaded the issue by saying he would get back to Applicant later in the day, but never did get back to Applicant on the matter (EA, pp. 85-6).

Mr. Rock indicated in a detailed follow-up message dated July 6, 2007, that the subject application could possibly be revived by filing a petition, although the costs would be extensive (EA, pp. 87-8). Applicant nevertheless chose to pursue the filing of the petition in spite of the costs and proceeded to search for

and collect evidence that would support his assertion that he never intended to allow the subject application to go abandoned or stay abandoned.

After some workload and document preparation related delays, Mr. Rock generated a rough draft of a proposed affidavit to be executed by Applicant and filed with a petition to revive. This and other documents were emailed to Applicant on October 1, 2007 (EA, pp. 91-2). Later, Mr. Rock emailed revised versions of the documents to the undersigned attorney, William A. Blake, on November 22, 2007 (EA, pg. 93). Mr. Rock requested that Mr. Blake assist in preparing and filing the petition to revive the application.

After reviewing the draft Affidavit, the USPTO website on petition info and MPEP 711.03(c), the undersigned attorney recommended that the Petition to Revive be filed without the affidavit or other evidence since most such petitions are granted by virtue of the statement therein that the entire delay was unintentional. Although the undersigned attorney suspected that the Patent Office would require further evidence in this case due to the length of the abandonment, filing of the petition without the evidence would at least give Applicant additional time to uncover any additional evidence and allow the undersigned attorney to review and organize the large quantity of evidence. After holiday and workload related delays, the undersigned attorney drafted the required petition papers, had them executed by Applicant and filed the same on January 16, 2008 (EA, pp. 94-5).

Meanwhile, Applicant hired attorneys in Halifax, Nova Scotia, Canada to investigate a possible cause of action against Mr. Little. A letter was sent by

Nicole Godbout, a Halifax attorney, on February 27, 2008, but was returned marked unclaimed (presumably by Mr. Little). The letter clearly reiterated Applicant's assertion that Brad Little never informed Applicant of the abandoned status of the subject or other applications (EA, pp. 101-108).

The undersigned attorney informed Applicant of the initial dismissal of the petition by email on March 13, 2008 (EA, pp. 96-7). Since that time, Applicant has emailed literally dozens of messages to the undersigned attorney forwarding possible evidence to be used herein. One such message dated April 8, 2008 was an email message Applicant received from a member of the Professional Engineers Ontario indicating that Brad Little had not been a professional engineer since 1999 for failure to pay license fees (EA, pp. 98-9). This fact could possibly explain why Brad Little, whose letterhead held himself out as a professional engineer, did not confirm filing of the various US applications in writing.

After expending much time and effort in reviewing and organizing the evidence, which has necessitated the one month extension of time for filing the renewed petition, the undersigned attorney believes that the evidence submitted herewith in the attached Evidence Appendix along with the attached declaration by Applicant, clearly establishes the requisite lack of intent to abandon to justify and warrant revival of the subject application.

Accordingly, Applicant respectfully requests that this renewed petition be granted and that the subject application be revived and docketed for prosecution on the merits.

Respectfully submitted,

By /wab/
William A. Blake
Reg. No. 30,548

JONES, TULLAR & COOPER, P.C.
P.O. Box 2266, Eads Station
Arlington, VA 22202
(703) 415-1500
June 3, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Atty. Dkt. No. MAC 490-9

DAVID C.
DRUMMOND

Application No. : 10/617,267

Filed: July 11, 2003

For: POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM
CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT

DECLARATION IN SUPPORT OF RENEWED PETITION TO REVIVE
APPLICATION UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned Declarant, David C. Drummond, of Truro, in the County of Colchester, Province of Nova Scotia, Canada, hereby declares the following to be true.

1. I have personal knowledge of the matters herein deposed to, except where stated to be by way of information and belief.

2. I am the sole inventor/applicant in US Application 10/617, 267, filed July 11, 2003 (hereinafter, "the '267 application").

3. The '267 application covers a pressurized fluid transfer system for transferring a fluid such as gasoline from a storage container to another

container, such as a portable gas tank or a vehicle, which I conceived in mid-July 2002.

4. Following my conception of the invention, I worked with a local businessman, Barry E. Bartlett, with whom I have had previous business experience, to develop a more polished version of the invention, suitable for manufacture and commercialization. Based on the recommendation of an associate of Mr. Bartlett, I became involved with an individual, J. Bradley Little, B.A.Sc., P. Eng., of Oakville, Ontario, Canada, who assisted with the preparation of a patent specification describing the subject invention.

5. The '267 application was filed on my behalf by Mr. Little, who used his own address (#33 - 2280 Munn's Avenue, Oakville, Ontario, Canada L6H 3L1) as the correspondence address to which all Patent Office correspondence would be sent. However, I did not execute a Power of Attorney in favor of Mr. Little because I understood that Mr. Little was neither an agent nor attorney registered to practice before the USPTO. As such, I understand the application was effectively filed "pro se" by me as the sole inventor.

6. As the evidence filed herewith clearly establishes, at no time between the actual abandonment of the '267 application on December 9, 2003 and the execution date of this Declaration have I ever intended that the '267 application become abandoned or stay abandoned once I discovered that it had become

abandoned for failure to respond to the Notice to File Missing Parts, which I understand by information and belief was mailed by the Patent Office under my name to Brad Little's address on October 8, 2003.

7. On June 27, 2007, I received an email message from my then Canadian patent agent, H. Wayne Rock, of MacRae & Co., patent and trademark agents of Ottawa, Ontario, Canada, who I had hired in January 2007 to take over prosecution of my corresponding Canadian patent application. I also hired Mr. Rock to investigate the status of the '267 application, as well as two other US patent applications filed on my behalf by Brad Little. Mr. Rock informed me that the '267 application had become abandoned for failure to respond to the previously mentioned Notice to File Missing Parts. Prior to June 27, 2007, I was under the impression, that the '267 application was still pending based on numerous messages received from and representations made by Brad Little. I had no knowledge that the aforementioned Notice to File Missing Parts had ever been issued or that the '267 application had become abandoned for failing to respond thereto. My understanding was that all of the necessary filing fees were submitted with the application as indicated in the transmittal letter I executed on July 2, 2003 and forwarded to Brad Little.

8. When Mr. Rock informed me of the abandoned status of the '267 application, but that the application could possibly be revived through the filing of

a petition with the USPTO, I informed Mr. Rock, that I wanted his assistance in preparing and filing the necessary petition.

9. As a result of my request, Mr. Rock suggested I also enlist the help of a registered US Patent Attorney, William A. Blake, who ultimately filed the executed petition on my behalf on January 16, 2008.

10. At no time during the entire delay between June 27, 2007, when I learned that the '267 application was abandoned and January 16, 2008, did I ever intend that the '267 application should remain lapsed. The delay in filing the petition was a result of the need to gather evidence on my part, and workload related delays indicated to me by Mr. Rock and Mr. Blake.

11. I learned in an email message dated March 13, 2008 from Mr. Blake that the USPTO had denied the petition based on a lack of convincing evidence supporting my assertion that the entire delay in filing a response to the Notice to File Missing Parts was unintentional. At Mr. Blake's request, I gathered additional evidence in support of my assertion and sent the same to Mr. Blake through numerous email messages dated between March 13, 2008 and May 21, 2008. Although Mr. Blake indicated that the renewed petition would be costly and there was a substantial chance I may not prevail due to the long abandonment time period involved, I have authorized him to assist me with the preparation of the requisite renewed petition to revive.

12. With specific reference to the Evidence Appendix (EA), which is being submitted herewith, the documents on pages 1-8 establish that I hired Brad Little in November 2002 to prepare and file Canadian and US patent applications on my invention. I forwarded a \$4500 check to Mr. Little as a retainer to be applied toward the upcoming filing expenses. At the time of becoming involved with Mr. Little I was aware that he was not a registered Canadian or United States patent agent; however, I was led to believe that he was well-versed and knowledgeable of patent practice.

13. By information and belief, Mr. Little prepared a document which he sent to the United States Patent & Trademark Office, in my name, as a provisional patent application for my invention; the application identified me as the inventor and applicant and identified my home address in Nova Scotia, Canada, as the correspondence address. Copies of the unexecuted transmittal letter and cover sheet for the provisional application that Mr. Little prepared and forwarded to me for my execution are on pages 9 and 10 of the EA. The provisional patent application, entitled "Pressure Operable Liquid Pumping System", was filed on November 18, 2002 and assigned US Application No. 60/426,879.

14. Thereafter, Mr. Little prepared a more comprehensive specification describing and claiming the present invention, which specification was to be filed

in both the Canadian and United States patent offices. I executed a transmittal letter dated December 3, 2002, for the US application (EA, pg. 11), which I understand was later filed on March 14, 2003, and assigned US Application No. 10/388,365.

15. On April 29, 2003, Brad sent me an email (EA, pg. 12), indicating that a CIP application could be filed both in Canada and the US to emphasize the one-handed operation of my pump that involved use of a person's foot.

16. On July 2, 2003, I executed and faxed documents to Brad for submission with my CIP applications to the Canadian and US Patent Offices (EA, pp. 13-18). The Petition submitted to the Canadian Patent Office identified me as the inventor, identified my residence address in Truro, Nova Scotia, Canada, and identified Mr. Little's address in Oakville, Ontario as my address for service, without mentioning Mr. Little (EA, pg. 14).

17. The Canadian patent application received a filing date of July 11, 2003 and was allocated serial number 2,433,952 (EA, pp. 109-10).

18. The United States patent application was mailed to the USPTO under cover of a letter dated July 2, 2003 and signed by myself, as evidenced by the copy of this letter from the file wrapper of the '267 application (EA, pg. 16). The cover letter for the United States patent application identified me as the

inventor/applicant, provided Mr. Little's address in Oakville, Ontario, Canada as the return address, and itemized the material purportedly accompanying the cover letter, including inter alia, "(7) Check in the amount of \$510.00 to cover the filing fee."

19. Both the Canadian and United States patent applications claimed convention priority on the US Provisional Patent Application No. 60/426879 of November 18, 2002 as well as on the parent utility applications, Canadian Patent Application No. 2,420,624, filed January 24, 2003 and US Application No. 10/388,365, filed March 14, 2003.

20. I did not receive any formal written confirmation of the application filings from Mr. Little, but I did employ Mr. Little to file another US Provisional application on another invention in October 2003. Mr. Little's email message and retainer letter regarding this filing are located in the EA at pages 19 and 20, respectively.

21. At some point in 2004, I asked Brad to have formal drawings prepared for the filed applications. Brad enlisted the assistance of a draftsman, Yvon Crispin, to make the drawings. The drawings were sent to me for review on September 21, 2004 (EA, pp. 21-43).

22. Subsequent to the filing of the '267 application, I attempted on numerous occasions to obtain status information for the patent application from Mr. Little, by way of e-mail requests and telephone enquiries. Mr. Little's replies were considerably evasive with indications that he was extremely busy, was ill, had important looming deadlines to meet, and/or that he would look into my situation as soon as possible.

23. On November 10, 2004, my business associate, Barry Bartlett, emailed Mr. Little to inquire as to the status of my US application on my behalf. I had been in the hospital for a week for heart bypass surgery and asked Mr. Bartlett to contact Mr. Little since I would be away from the office recovering from the surgery for a number of weeks. Mr. Little noted that 2 years was a normal turnaround time for applications and it had not been quite 2 years yet. Mr. Little further noted that high-tech applications had a turnaround time of 3 years or more for the patent office to get to the application (EA, pg. 44).

24. On December 22, 2004, I received an email message from Mr. Little indicating that the draftsman was willing to accept present payment of \$1200 for the formal drawings and would be making revisions thereto before filing (EA, pg. 45).

25. Regardless of Mr. Little's reassurance in his message of November 10, 2004, I became increasingly frustrated with Mr. Little's delays in 2005 in getting my formal drawings filed for the subject application (EA, pp. 46-8).

26. Meanwhile, I submitted, through Mr. Little, a Request for Examination, in my Canadian patent application on July 12, 2005 (EA, pg. 110).

27. Finally, by letter dated July 27, 2005 (mailed August 3, 2005) and signed by me, Brad Little submitted the formal drawings to the USPTO, my letter again showing Mr. Little's address as my return address. This letter is in the file wrapper for the '267 application (EA, pg. 49).

28. A first Office Action calling for restriction to a single invention was issued by the Canadian examiner on September 1, 2005 and mailed directly to me at my address in Nova Scotia.

29. Beginning with a fax message of December 6, 2005, I repeatedly attempted to contact Mr. Little requesting his assistance with preparation of a response to the Canadian Patent Office (EA, pp. 50-59). These messages noted my frustration in not hearing back from Mr. Little. Finally, with the assistance of Mr. Little I submitted a response to the Canadian Office Action on January 18, 2006.

30. On January 25, 2006 I flew to Toronto, Ontario from Halifax, Nova Scotia and traveled to Oakville, Ontario with the intention of meeting with Mr. Little; we eventually met and my impression was that Mr. Little was very nervous in discussing my US patent applications and the absence of information from him with respect thereto. By the end of our meeting he had agreed to look into my applications.

31. In the first half of 2006, the patent draftsman, Yvon Crispin, and Mr. Little worked on making corrections to the drawings (EA, pp. 60-1). Mr. Crispin made specific mention of my US application in his emails of April 20, 2006 and June 6, 2006 (EA, pp. 62-3).

32. Having still heard nothing further from Mr. Little, I filed a hand written letter dated May 29, 2006 with the USPTO enquiring into the status of my patent application. This letter apparently was not received by the patent office until July 7, 2006 as indicated by the PTO date stamp on the copy thereof in the file wrapper for the '267 application. This letter was accompanied by my previous letter of July 27, 2005 (EA, pp. 64-5).

33. I did not receive any reply to my status enquiry, which I understand from Mr. Blake to not be surprising since the correspondence address for the application was still Brad Little's address at that time.

34. Meanwhile, I engaged in dialogue directly with the Canadian examiner, Chris Fitz-Hardy, in an attempt to resolve issues with the invention and the corresponding application in Canada. I received a second Office Action dated August 8, 2006 from Mr. Fitz-Hardy, which action raised issues respecting patentability, which issues I could not fully comprehend due to my lack of knowledge of the intricacies of patent prosecution.

35. I contacted Mr. Little on several occasions via e-mail seeking his advice and suggestions for responding to the Canadian Office Action; his replies were less than satisfactory, offering paltry suggestions and often putting me off by saying he was ill or very busy (EA, pp. 66-70, 73). Surprisingly, in Mr. Little's email of Feb. 1, 2007 (EA, pg. 73), Mr. Little actually asked me if I had received anything from the US Patent Office recently (note- the correspondence address for the application was still that of Mr. Little at the time).

36. Having received less than satisfactory assistance from Mr. Little, I then contacted H. Wayne Rock, of MacRae & Co. for assistance with my Canadian patent application; I had previously engaged MacRae & Co. to assist with several inventions that I had created and assigned to my company, Fundy Grinding, of Truro, Nova Scotia, Canada. I executed an Appointment of a New Agent form on January 23, 2007 to appoint MacRae as my agents to prosecute the Canadian application corresponding the '267 application (EA, pg. 71).

37. In order to answer a question from the Canadian examiner respecting prior art made of record in my corresponding United States patent application, Mr. Rock enquired of me as to the status of that application and in reply I provided as much information as I could, including an indication that I had tried unsuccessfully to ascertain the status myself of that application (EA, pg. 72).

38. At my request, Mr. Rock started an investigation into the status of the United States application as well as into the status of other related United States patent applications that I had filed with the assistance of Mr. Little (EA, pp. 74-7). At one point, Mr. Rock suggested I contact Mr. Little about the status of the US patent applications (EA, pg. 77). This I did in my email message of June 1, 2007, to which Mr. Little asked if I could send him anything I had received from the US Patent Office (EA, pg. 78)

39. In order to facilitate the investigation, given that Mr. Rock had not been able to find any information on the public record, in June 2007, I signed forms authorizing Mr. Blake's firm of United States patent attorneys, Jones Tullar & Cooper PC of Arlington VA, to inspect the files pertaining to the United States patent applications.

40. On June 12, 2007, I sent another message asking Mr. Little to help find the status of the subject US patent application. Mr. Little replied on June 15, 2007, by sending me the filing receipt, which he alleged was the only thing he

had on the application. Note this document was mailed to Mr. Little's address on the same day as the Notice to File Missing Parts (EA, pp. 79-82).

41. Mr. Rock eventually received from the Jones Tullar & Cooper PC firm a copy of each of my patent applications as filed at the USPTO; he forwarded the file copies to my after having noted in his email message of June 27, 2007, that three of the applications, including the '267 application, stood abandoned (EA, pp. 83-84).

42. The three applications in question each became abandoned through failure to include the filing fee, and the associated service charges, notwithstanding the indication on my cover letter submitting the application material to the USPTO that a check to cover the filing fee was included. The copy of my cover letter in the file wrapper for the '267 application has a note stamped thereon relating to the missing check, the note reading "The PTO did not receive the following listed item(s) a check of \$510.00" (EA, pg. 16).

43. I confronted Mr. Little about the situation in an email message dated June 27, 2007. Mr. Little's reply was typical- he would get back to me later that day, but never did (EA, pp. 85-6).

44. it is my belief that the Notice to File Missing Parts was mailed to Mr. Little and that Mr. Little failed to forward the check to the USPTO. In any event, Mr. Little never advised me that he had received the notice.

45. I draw the same conclusion with respect to the other patent applications in which the same situation occurred.

46. I continued to pursue the Canadian patent application through MacRae & Co. and believe that it is important to obtain both Canadian and United States patent protection for my invention.

47. My Canadian patent application was finally allowed and issued as Canadian Patent No. 2,433,952 on January 8, 2008 (EA, pp. 109-110).

48. Once I discovered that the '267 application was abandoned, but that it could possibly be revived, I enlisted Wayne Rock to pursue preparation of the necessary petition. After some delay due to my need to organize evidence and Mr. Rock's apparent work load issues, Mr. Rock prepared a draft petition and emailed the same to me on October 1, 2007 (EA, pp. 87-92). On November 22, 2007, Mr. Rock emailed a revised submission to the same US patent attorney, Mr. Blake (EA, pg. 93). After some delay, I received from Mr. Blake, a revised petition to execute, which I did on January 16, 2008 (EA, pp. 94-5).

49. On March 13, 2008, Mr. Bake replied to a status inquiry I had emailed him and noted that my initial petition to revive had been denied. Mr. Blake noted that we could refile the petition with evidence of non-intentional abandonment but that the cost could exceed \$5000. I immediately responded to Mr. Blake that I wanted to proceed with the necessary renewed petition and documentation therefore (EA, pp. 96-7).

50. Between March 13 and May 21, 2008, I sent Mr. Blake dozens of email messages with as much evidence as I could uncover that related to the subject application. The Evidence Appendix contains a large portion but not all of this evidence.

51. On April 8, 2008, I emailed Mr. Blake and Mr. O'Brien of MacRae & Co. (Wayne Rock had retired at the end of 2007), a message I had received from Bruce Matthews, a member of the Professional Engineers Ontario stating that Brad Little was no longer a professional engineer because of failure to pay license fees in 1999 (EA, pp. 98-9).

52. On April 15, 2008, I emailed Mr. Blake a message which I termed the "smoking gun" because it showed Brad Little and Yvon Crispin were actively working on the formal drawings for the subject application long after the Notice of Abandonment was presumably mailed to Brad Little in 2004 (EA, pg. 100).

53. After learning of the abandoned status of the US applications, I also hired a law firm in Halifax, NS, Boyne Clarke, to investigate a possible legal action against Mr. Little for his mishandling of the patent applications. Nicole Godbout of the firm sent a letter dated February 27, 2008, setting forth the facts of the case to Brad Little. Mr. Little refused acceptance of the letter and the letter was returned unopened. Mr. Blake asked for copies of the letter and delivery refusal in an email message dated 5-12-08 (EA, pp. 101-108).

54. I hereby further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that will false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: June 3, 2008

Signed: /dcd /
David C. Drummond

Subject: RE: Patient

Date: Tue, 05 Nov 2002 17:03:53 -0500
From: Brad Little <jblittle@sympatico.ca>
To: barryb@bppm.ns.ca

Dear Barry:

Thank you for the forwarding of the deposit. I will continue on with a patent application and will forward it for your review shortly. I would like to clarify whether you wish to file the patent application in both Canada and the United States at this time. I will need a sample of the pump shortly, but can proceed for now without it. Also, you mention that you wish to file a trade mark application. I would need to verify what the trade mark is and all of the types of products that will be marketed under this trade mark.

Brad

Brad Little

-----Original Message-----

From: Barry Bartlett [mailto:barryb@bppm.ns.ca]
Sent: November 5, 2002 2:07 PM
To: barryb@bppm.ns.ca; daved@fundygrinding.com; jblittle@sympatico.ca
Subject: Patient

905
842
7676

Tuesday

Dear Brad:

Mr. David Drumond is now sending you a deposit to start the Patent and Trade Mark Application. Canada and US, please advise that this will now take place.

Barry Bartlett

Incoming mail is certified Virus Free.

Checked by AVG anti-virus system (avg@avg.com).
Version: 6.0.408 / Virus Database: 230 - Release Date: 24/10/02

Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (avg@avg.com).
Version: 6.0.408 / Virus Database: 230 - Release Date: 24/10/02

J. BRADLEY LITTLE, B.A.Sc., P. ENG.

#33-2280 Munn=s Avenue,
 Oakville, Ontario L6H 3L1
 (905) 849-4643 ! jblittle@sympatico.ca

November 4, 2002

Mr. Barry Bartlett
 Bartlett Plastics and Precision Machining
 23 Lower Truro Road
 Truro, Nova Scotia
 B2N 5A9

(902) 895-2977

Dear Mr. Bartlett:

Pursuant to my meetings and telephone discussions with Alvin Brun and our telephone discussion, I am pleased to provide to you an estimate for the patent work that I have been instructed to perform, and also for related design application and trade mark work, and the requisite government fees. This estimate is based on the perceived complexity of the subject matter. Incidental costs (courier, photocopying, etc.) and GST would be in addition to these amounts. Also, at some point in the process, it will be necessary to have a patent illustrator produce formal patent drawings, at an estimated cost of a few hundred dollars. A retainer in the amount of \$2000 (plus \$140 G.S.T.) would be required towards the patent applications. A Request For Retainer document and an invoice for the work done to date in this matter, as requested by Alvin Brun, accompanies this letter, for accounting purposes.

	PROFESSIONAL FEE	GOVT FEE
Utility Patent Application (Canada)	\$3000	\$ 350
Utility Patent Application (U.S. - based on Canada)	\$ 750	\$ 375 U.S.
Industrial Design Application (Canada) +	\$ 500	\$ 160
Design Patent Application (United States) +	\$ 500	\$165 U.S.
Trademark Application (Canada)	\$ 500	\$ 150
Trademark Application (United States)	\$ 500	\$325 U.S.

Please feel free to contact me any time at your convenience.

Sincerely,

J. Bradley Little, B.A.Sc., P. Eng.

FACSIMILE COVER SHEET

PRIVATE AND CONFIDENTIAL

TO: Dave Drummond
Bartlett Plastics
Fax (902) 893-7555

FROM: Brad Little

NO. OF PAGES: 3 including cover sheet

RE: Patent and Trade Mark work

COMMENTS: Dave

Please call anytime if you have any questions.

Brad

J. BRADLEY LITTLE
33-2080 MUNN'S AVENUE
OAKVILLE ONTARIO
L6H 3L1

1-905-842-7676

J. BRADLEY LITTLE, B.A.Sc., P. ENG.

#33-2280 Munn's Avenue,
Oakville, Ontario L6H 3L1
(905) 842-7676 • jblittle@sympatico.ca

November 8, 2002

Mr. Dave Drummond
Bartlett Plastics and Precision Machining
23 Lower Truro Road
Truro, Nova Scotia
B2N 5A9

(902) 895-2977

Dear Mr. Drummond:

Pursuant to our telephone discussion and an e-mail received from Michael Fisher, I am pleased to provide to you an additional fee estimate. I think it is wise to file a provisional patent application in The U.S. Patent Office as soon as possible. I will try to have it to you today for review and signing. There will be no fee charge on my part for this provisional patent application since the work is used directly for the utility patent application. The provisional patent application can be used as a basis for filing utility patent applications in Canada, the U.S., and internationally. These subsequently filed utility patent applications will receive a priority filing date of the same date that the provisional patent application is filed, providing they are filed within one year of the provisional patent application.

The accompanying Request For Retainer document in the amount of \$4500 is for an amount representing a little over half my fees plus the government disbursements, as outlined below, and replaces the previous Request For Retainer document.

	PROFESSIONAL FEE	GOVT FEE
Utility Patent Application (Canada)	\$3000	\$ 350
Utility Patent Application (U.S. - based on Canada)	\$ 750	\$ 375 U.S.
Provisional Patent Application (United States)		\$ 80 U.S.
Trademark Application (Canada)	\$ 500	\$ 150
Trademark Application (United States)	\$ 500	\$ 325 U.S.

Please feel free to contact me any time at your convenience.

Sincerely,


J. Bradley Little, B.A.Sc., P. Eng.

FUNDY GRINDING — Machine / Tool Division

9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6



P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2

To: Bradley Little Att. _____ Date: Nov 8/02

DIAGRAMS

MESSAGES

I WILL BE FORWARDED \$4500⁰⁰
AS A RETAINER

THIS AMOUNT IF I UNDERSTAND IT
RIGHT IS FOR SOME
OF YOUR SERVICES TO PREPARE
THE
(A) TRADEMARK
(B) PROVISIONAL PATENTS
(C) APPLICATION

Balance For Utility Phone Cost?

MONEY WILL GO OUT TODAY, YOU
CAN PLEASE TO CONFIRM AND/OR
EXPLAIN THE ABOVE

Please fax your answer:

Regards Linda Drummond

- | | |
|---|---|
| <input type="checkbox"/> When you have a chance | <input type="checkbox"/> Dave Drummond |
| <input type="checkbox"/> ASAP | <input type="checkbox"/> Gary Robertson |
| <input type="checkbox"/> Not necessary | <input type="checkbox"/> Bruce McElroy |

PHONE 1-902-893-4274

FAX 1-902-893-7555

Email sales@fundygrinding.com

COMPANY FAX # 1-902-893-4643

No. of Pages _____

"Where service has proven to be the cornerstone of our business"

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO	3229	
CONNECTION TEL		19058494643
SUBADDRESS		
CONNECTION ID		
ST. TIME	11/08 12:38	
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PGS.	0	
RESULT	NG	
	0	#018

FUNDY GRINDING —



— Machine / Tool Division

9 FARNHAM ROAD
SIBLE HILL, N.S.
B2N 2X6

P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2

To: Berley Lingo Att. _____ Date: Nov 8/02

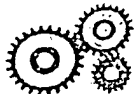
DIAGRAMS

MESSAGES

I WILL BE FORWARDING \$ 9500⁰⁰
AS A RETAINER

THIS AMOUNT IF I UNDERSTAND IT
RIGHT IS FOR 50%
OF YOUR SERVICES TO PREPARE
THE (A) TRADEMARK
(B) PROVISIONAL PATENTS
(C) APPLICATIONS.

BALANCE FOR UTILITY PATENT COST?



FUNDY GRINDING
MACHINE TOOL SALES DIVISON
8 FARNHAM RD., TRURO, N.S. B2N 2X6

DAVID DRUMMOND
PRESIDENT

Bus: 893-4274 • 463-8162 • FAX: 893-7555
HALIFAX/DARTMOUTH
TOLL FREE

"Where service has proven to be the cornerstone
of our business"

P. Eng. FAX NO. 9058494843

UTILITY PATENT SERVICES

INER AGREEMENT

UTILITY PATENT SERVICES

#33 - 2280 MUNN'S AVENUE
OAKVILLE, ONTARIO
L6H 3L1

TO: BARTLETT PLASTICS AND PRECISION MACHINING
23 LOWER TRURO ROAD
TRURO, NOVA SCOTIA
B2N 5A9

FOR: CONSULTING SERVICES

RE: PREPARATION OF A UTILITY PATENT APPLICATION DIRECTED TO A
MANUAL GASOLINE PUMP, FOR SUBSEQUENT FILING IN CANADIAN
INTELLECTUAL PROPERTY OFFICE AND THE UNITED STATES PATENT
OFFICE

RETAINER AMOUNT: \$4,500.00

RETAINER AGREEMENT NO: 02-BP-1

DATE: NOVEMBER 8, 2002



Bank of Montreal

607 PRINCE ST. TEL: (902) 898-5375
TRURO, N.S. B2N 1E8

Date

Nov 8/02 No. 1

Pay to the
order of

J. Bradley Little \$4,500.00

Four Thousand - Five Hundred /100 Dollars

Account No.

1028-834

David Drummond

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267

Page 8

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1304
 CONNECTION TEL 19058427676
 SUBADDRESS
 CONNECTION ID
 ST. TIME 10/18 13:51
 USAGE T 01'01
 PGS. 3
 RESULT OK



FUNDY GRINDING
 MACHINE TOOL SALES DIVISON
 9 FARNHAM RD., TRURO, N.S. B2N 2X6

DAVID DRUMMOND
 PRESIDENT

Bus: 893-4274

463-8162
 HALIFAX/DARTMOUTH
 TOLL FREE

FAX: 893-7555

"Where service has proven to be the cornerstone
 of our business"

P. Eng. FAX NO. 9058494843

P. 03

UTILITY PATENT SERVICES

RETAINER AGREEMENT

PATENT SERVICES

#33 - 2280 MUNN'S AVENUE
 OAKVILLE, ONTARIO
 L6H 3L1

TO: BARTLETT PLASTICS AND PRECISION MACHINING
 23 LOWER TRURO ROAD
 TRURO, NOVA SCOTIA
 B2N 5A9

FOR: CONSULTING SERVICES

RE: PREPARATION OF A UTILITY PATENT APPLICATION DIRECTED TO A
 MANUAL GASOLINE PUMP, FOR SUBSEQUENT FILING IN CANADIAN
 INTELLECTUAL PROPERTY OFFICE AND THE UNITED STATES PATENT
 OFFICE

RETAINER AMOUNT: \$4,500.00

RETAINER AGREEMENT NO: 02-BP-1

DATE: NOVEMBER 8, 2002

David Drummond
 \$
 Acc # 1028-834
 02043-001

David Drummond and
Barry Bartlett
Bartlett Plastics
23 Lower Truro Road
Truro Nova Scotia Canada
B2N 5A9

(902) 895-2977

November 11, 2002

The Commissioner of Patents
The United States Patent
& Trademark Office
Crystal Plaza Two
2011 Jefferson Davis Highway
Arlington, Virginia
U.S.A. 22202

Re: New United States Provisional Patent Application
Title: **PRESSURE OPERABLE LIQUID PUMPING SYSTEM**
Inventors: David Carl Drummond and Barry Bartlett
Reference No.: BP-01-US

Dear Sir:

Please find enclosed herewith the necessary formal papers for filing a new United States Provisional Patent Application as identified above, including the following:

- (1) Specification (16 pages - 15 pages plus 1 title page)
- (2) Drawings (9 pages containing Figures 1 through 13)
- (3) Provisional patent Application Cover Sheet
- (4) A cheque in the amount of \$80 to cover the requisite filing fee

It is believed that the documents listed above are complete and correct, and are in order for filing of this Design Patent Application.

Respectfully submitted,

David Drummond

Barry Bartlett

Enclosures

Please type a plus sign (+) inside this box 

PTO/SB/16 (02-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No.

INVENTOR(S)					
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)			
David Carl	Drummond	Brookfield, Canada			
<input checked="" type="checkbox"/> Additional inventors are being named on the <u> </u> separately numbered sheets attached hereto					
TITLE OF THE INVENTION (260 characters max)					
Pressure Operable Liquid Pumping System					
Direct all correspondence to: CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number 		<div style="border: 1px solid black; padding: 5px; display: inline-block;">Place Customer Number Bar Code Label here</div>			
OR Type Customer Number here					
<input checked="" type="checkbox"/> Firm or Individual Name		David Carl Drummond			
Address		115 South Cove Road			
Address					
City	Brookfield	State	Nova Scotia	ZIP	B2N 1C0
Country	Canada	Telephone	(902) 673-2096	Fax	
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/> Specification Number of Pages		16		<input type="checkbox"/> CD(s), Number 	
<input checked="" type="checkbox"/> Drawing(s) Number of Sheets		9		<input type="checkbox"/> Other (specify) 	
<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76					
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.				FILING FEE AMOUNT (\$)	
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the filing fees				\$80.00	
<input type="checkbox"/> The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number: 					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.					
<input checked="" type="checkbox"/> No.					
<input type="checkbox"/> Yes, the name of the U.S. Government agency and the Government contract number are: 					

Respectfully submitted,

Date 13/11/02

SIGNATURE

TYPED or PRINTED NAME David Carl DrummondTELEPHONE (902) 673-2096

REGISTRATION NO.

(if appropriate)

Docket Number:

BP-01-US**USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT**

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

David Carl Drummond
23 Lower Truro Road
Truro, Nova Scotia
B2N 5A9

(902) 895-2977

December 3, 2002

The Commissioner of Patents
The United States Patent
& Trademark Office
Crystal Plaza Two
2011 Jefferson Davis Highway
Arlington, Virginia
U.S.A. 22202

Re: New United States Patent Application
Title: **PRESSURE OPERABLE LIQUID PUMPING SYSTEM**
Inventor: David Carl Drummond
Reference No.: DD-03-US

Dear Sir:

Please find enclosed herewith the necessary formal papers for filing a new United States Patent Application as identified above, including the following:

- (1) Abstract
- (2) Title Page
- (3) Specification
- (4) Claims
- (5) Drawings
- (6) Declaration for Utility or Design Patent Application
- (7) Check in the amount of \$370.00 to cover the filing fee

It is believed that the documents listed above are complete and correct, and are in order for filing of this Patent Application. This Patent Application claims priority from United States Provisional Patent Application 60/426,879, filed November 18, 2002.

Respectfully submitted,



David Carl Drummond
Enclosures

Dave Drummond

From: "Brad Little" <jblittle@sympatico.ca>
To: "Dave Drummond"
Sent: Tuesday, April 29, 2003 11:31 AM
Subject: Continuation-in-Part Patent Application
Dave

In order to emphasize the one-handed operation of your pump, a Continuation-in-Part Patent Application can be filed in the U.S. and a second application can be filed in Canada. I will not be charging any fees to you. The government fees for Canada will be \$450 (including accelerated prosecution) and for the U.S. will be \$375 U.S.

Brad

Altered the Positive Pressure Pump System

*and Brad was going to do up the
above to some ---*

"operated by one hand and one foot"

4/29/03

David Carl Drummond
Unit #33 - 2280 Munn's Avenue E.
Oakville, Ontario L6H 3L1

(905) 842-7676

July 2, 2003

The Commissioner of Patents
The Canadian Intellectual Property Office
Ottawa/Hull
Canada K1A 0C9

Re: New Canadian Patent Application
Title: **POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM
CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT**
Inventor: David Carl Drummond
Reference No.: DD-08-CA
Priority: Canadian Patent Application 2,420,624 filed January 24, 2003, United States
Provisional Patent Application 60/426879 filed November 18, 2002, and United
States Patent Application 10/388365 filed March 14, 2003.

Dear Sir:

Please find enclosed herewith the necessary formal papers for filing a new Canadian Patent Application as identified above, including the following:

- (1) Abstract
- (2) Title Page
- (3) Specification
- (4) Claims (1 through 21)
- (5) Drawings (Figures 1 through 36)
- (6) Petition for Patent Application
- (7) Cheque in the amount of \$150.00 to cover the filing fee.

It is believed that the documents listed above are complete and correct, and are in order for filing of this Patent Application. This Patent Application claims priority from Canadian Patent Application 2,420,624 filed January 24, 2003, United States Provisional Patent Application 60/426879 filed November 18, 2002, and United States Patent Application 10/388365, filed March 14, 2003.

Respectfully submitted,

David Carl Drummond
Enclosures

CANADA

Small Entity

Petition for Patent Application

The Petition of David Carl Drummond

whose full post office address is: David Carl Drummond
23 Lower Truro Road
Truro, Nova Scotia B2N 5A9

and whose full postal office address for service is:

Unit #33 - 2280 Munn's Avenue East
Oakville, Ontario L6H 3L1

*Good ONE
Now 28/05*

Sheweth

That your Petitioner made the invention entitled:

**POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM CONFIGURED FOR
OPERATION BY A HAND AND BY A FOOT**

which is described and claimed in the specification submitted herewith.

That your Petitioner verily believes that he is entitled to a patent for the said invention having regard to the provisions of the Patent Act.

Applicant hereby claims priority in the above stated patent application from Canadian Patent Application 2,420,624 filed January 24, 2003, United States Provisional Patent Application 60/426,879, filed November 18, 2002, and United States Patent Application 10/388365 filed March 14, 2003.

That your Petitioner verily believes that he is entitled to pay a filing fee as a small entity as defined by Section 2 of the Patent Rules.

Your Petitioner therefore prays that a patent may be granted to him for the said invention.

Signed at: Truro, this 2nd day of July, 2003.

David Carl Drummond

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2680	
CONNECTION TEL		19058427676
SUBADDRESS		
CONNECTION ID		
ST. TIME	07/04 18:15	
USAGE T	01'33	
PGS.	4	
RESULT	OK	

David Carl Drummond
 Unit #33 - 2280 Munn's Avenue E.
 Oakville, Ontario
 Canada L6H 3L1

(905) 842-7676

July 2, 2003

The Commissioner of Patents
 The United States Patent
 & Trademark Office
 Crystal Plaza Two
 2011 Jefferson Davis Highway
 Arlington, Virginia
 U.S.A. 22202

Re: New United States Patent Application
 Title: **POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM
 CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT**
 Inventor: David Carl Drummond
 Reference No.: DD-08-US
 Priority: United States Provisional Patent Application 60/426879 filed November 18, 2002;
 United States Patent Application 10/388365 filed March 14, 2003; and Canadian
 Patent Application 2,420,624 filed January 24, 2003

Dear Sir:

Please find enclosed herewith the necessary formal papers for filing a new United States Patent Application as identified above, including the following:

- (1) Abstract
- (2) Title Page
- (3) Specification
- (4) Claims (1 through 21)
- (5) Drawings (Figures 1 through 36)
- (6) Declaration for Utility or Design Patent Application
- (7) Check in the amount of \$510.00 to cover the filing fee.

36

16698 U.S. PTO
07/11/03

David Carl Drummond
Unit #33 - 2280 Munn's Avenue E.
Oakville, Ontario
Canada L6H 3L1

(905) 842-7676

July 2, 2003

The Commissioner of Patents
The United States Patent
& Trademark Office
Crystal Plaza Two
2011 Jefferson Davis Highway
Arlington, Virginia
U.S.A. 22202

19972 U.S. PTO
10/617267
07/11/03

Re: New United States Patent Application
Title: **POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM
CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT**
Inventor: David Carl Drummond
Reference No.: DD-08-US
Priority: United States Provisional Patent Application 60/426879 filed November 18, 2002;
United States Patent Application 10/388365 filed March 14, 2003; and Canadian
Patent Application 2,420,624 filed January 24, 2003

Dear Sir:

Please find enclosed herewith the necessary formal papers for filing a new United States Patent Application as identified above, including the following:

- (1) Abstract
- (2) Title Page
- (3) Specification
- (4) Claims (1 through 21)
- (5) Drawings (Figures 1 through 36)
- (6) Declaration for Utility or Design Patent Application
- (7) Check in the amount of \$510.00 to cover the filing fee.

It is believed that the documents listed above are complete and correct, and are in order for filing of this Patent Application. This Patent Application claims priority from United States Provisional Patent Application 60/426879 filed November 18, 2002, United States Patent Application 10/388365, filed March 14, 2003, and Canadian Patent Application 2,420,624 filed January 24, 2003,

Respectfully submitted,

David Carl Drummond

David Carl Drummond
Enclosures

The PTO did not accept the following
listed item(s) a check of \$510.00

PTO/SB/01 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	DD-08-US
	First Named Inventor	DAVID C. DRUMMOND
	COMPLETE IF KNOWN	
	Application Number	/
	Filing Date	
	Group Art Unit	
Examiner Name		

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM
CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT**

(Title of the invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT InternationalApplication Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
60/426879	USA	11/18/02	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/388365	USA	03/14/03	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2,420,624	CANADA	01/24/03	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/01 (03-01)

Approved for use through 10/31/2002, OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/>		Customer Number or Bar Code Label <input type="text"/>		OR <input type="checkbox"/>		Correspondence address below	
Name DAVID CARL DRUMMOND							
Address C/O #33 - 2280 MUNN'S AVE							
City OAKVILLE				State ONTARIO		ZIP L6H 3L1	
Country CANADA			Telephone (905) 842-7676			Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
NAME OF SOLE OR FIRST INVENTOR :				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name DAVID CARL (first and middle (if any))				Family Name DRUMMOND or Surname			
Inventor's Signature <i>David Carl Drummond</i>						Date JULY 2, 2002	
Residence: City TRURO			State NOVA SCOTIA		Country CANADA		Citizenship CANADIAN
Mailing Address 23 LOWER TRURO ROAD							
City TRURO			State NS		ZIP B2N 5A9		Country CANADA
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence: City			State		Country		Citizenship
Mailing Address							
City			State		ZIP		Country
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.							

Dave Drummond

From: "Brad Little" <jblittle@sympatico.ca>
To: "Dave Drummond"
Sent: Wednesday, October 08, 2003 2:15 PM
Attach: Request for Retainer Oct 2003.doc
Subject: RE: Bill for expenses
Dave

Here is the retainer document. Let me know if anything needs to be different.

Brad

-----Original Message-----

From: Dave Drummond [mailto:davidd@fundygrinding.com]
Sent: October 8, 2003 12:18 PM
To: jblittle@sympatico.ca
Subject: Bill for expenses

Brad;

Could you e-mail me a statement or bill ref;\$ 500 & \$250 .
Will send out today by courier
Dave

J. BRADLEY LITTLE, B.A.Sc., P. ENG.

#33-2280 Munn's Avenue,
Oakville, Ontario L6H 3L1
(905) 842-7676 • jblittle@sympatico.ca

October 8, 2003

Mr. Dave Drummond
9 Farnham Road
Truro, Nova Scotia
B2N 2X6

(902) 893-4274

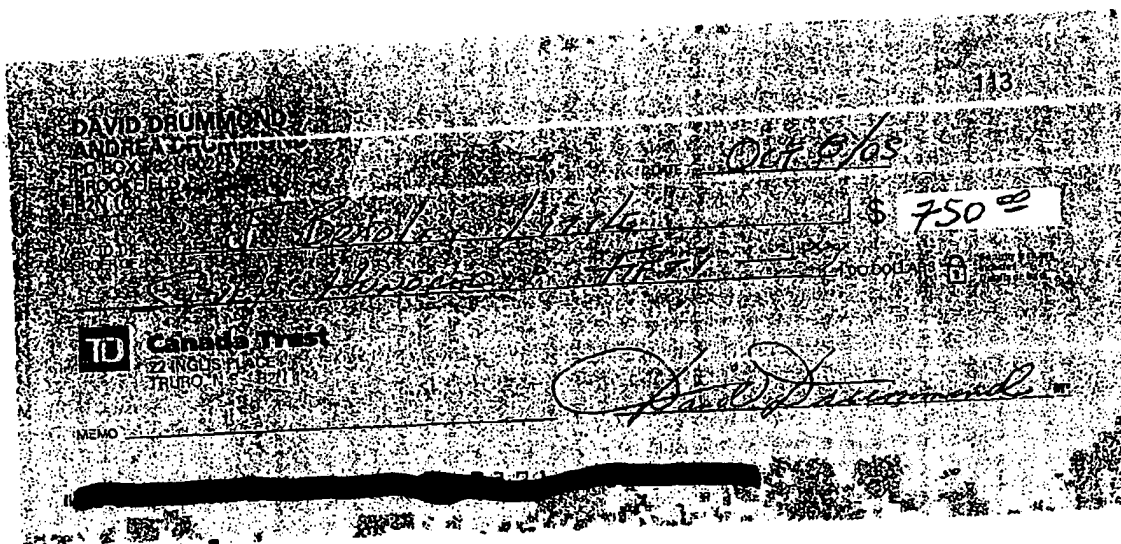
Dear Dave:

Pursuant to our telephone discussion and an e-mail received from you, I am pleased to provide to you Request For Retainer documents. The Canadian patent application amount represents my fee of \$500, the Patent Office fee of \$150, and a courier charge of \$10. The U.S. provisional patent application amount represents my fee of \$250, the Patent Office fee of \$80 U.S., and a courier charge of \$30 (Total \$1045 Cdn).

Please feel free to contact me if you have any questions.

Sincerely,

J. Bradley Little, B.A.Sc., P. Eng.



-----Original Message-----

From: Brad Little [mailto:jblittle@sympatico.ca]

Sent: Tuesday, September 21, 2004 4:17 PM

To: Dave Drummond

Subject: drawings

Hi Dave

Here are the drawings

Brad

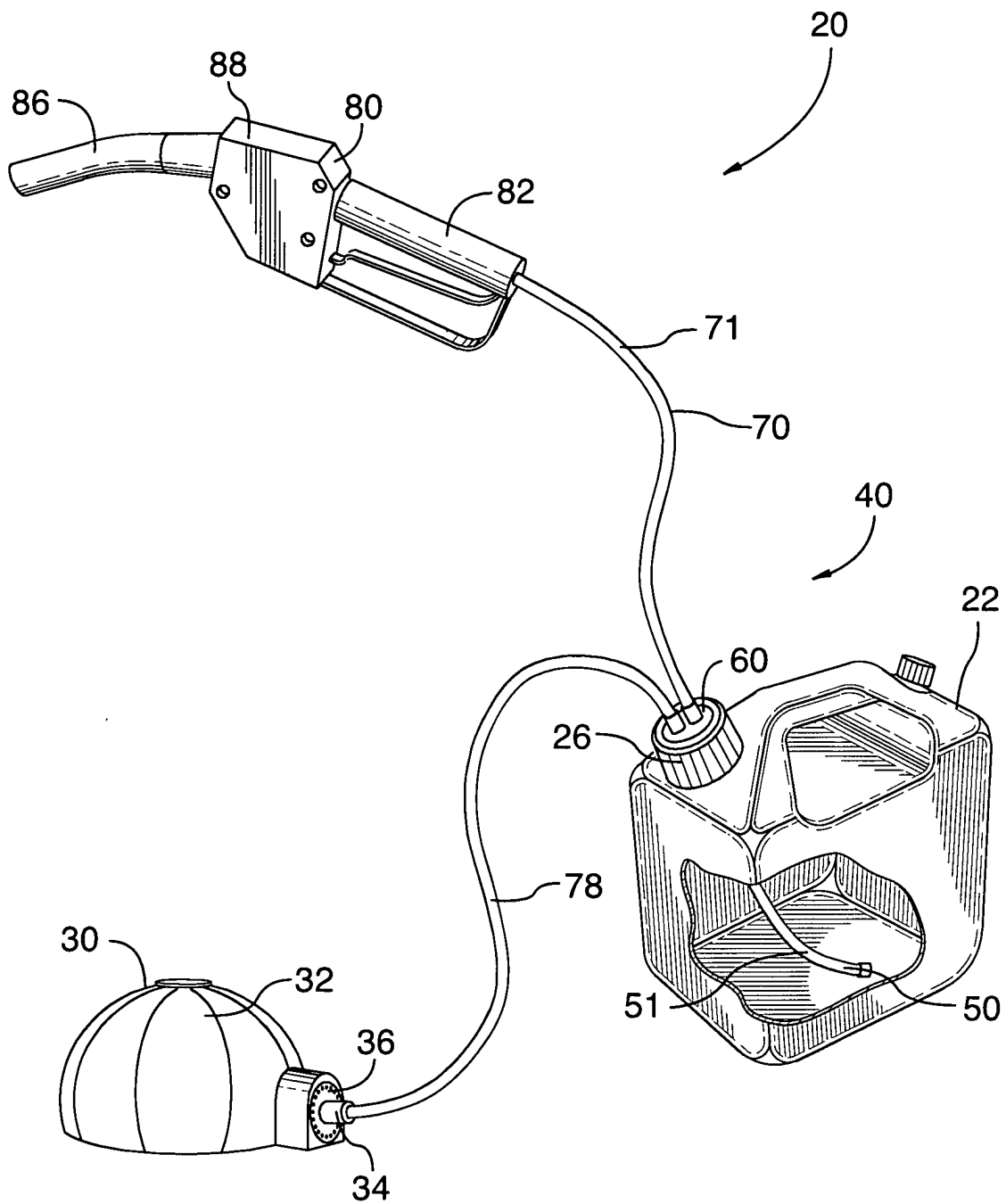


FIG.1

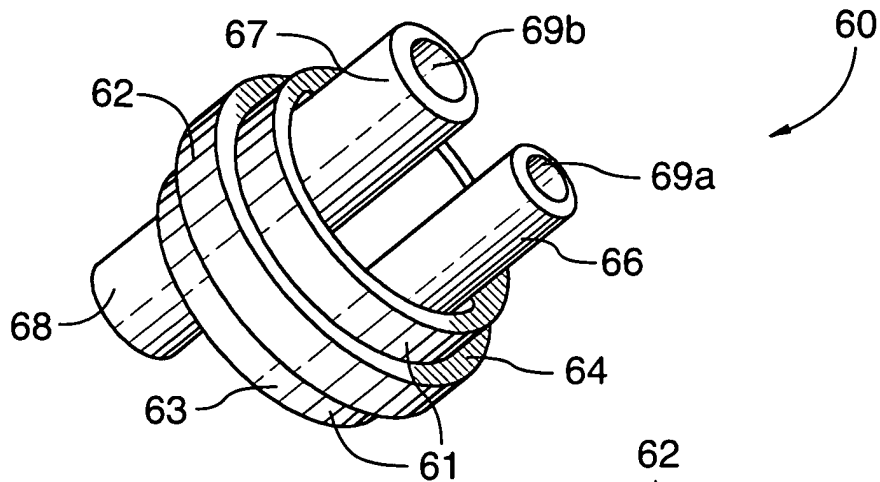


FIG. 2

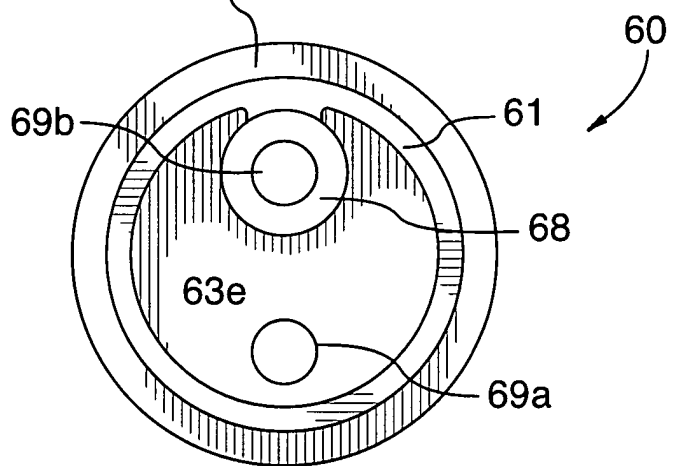


FIG. 4

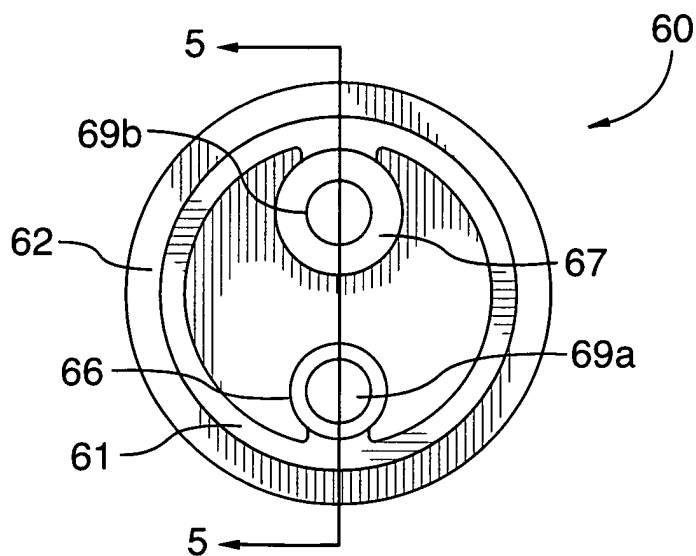


FIG. 3

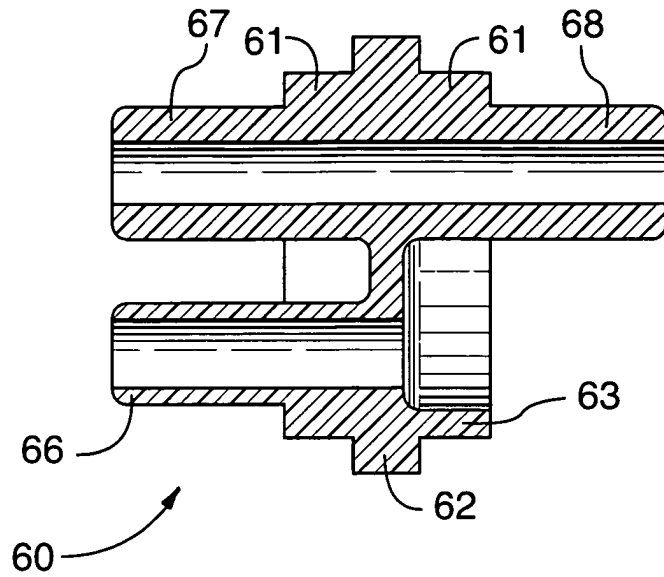


FIG. 5

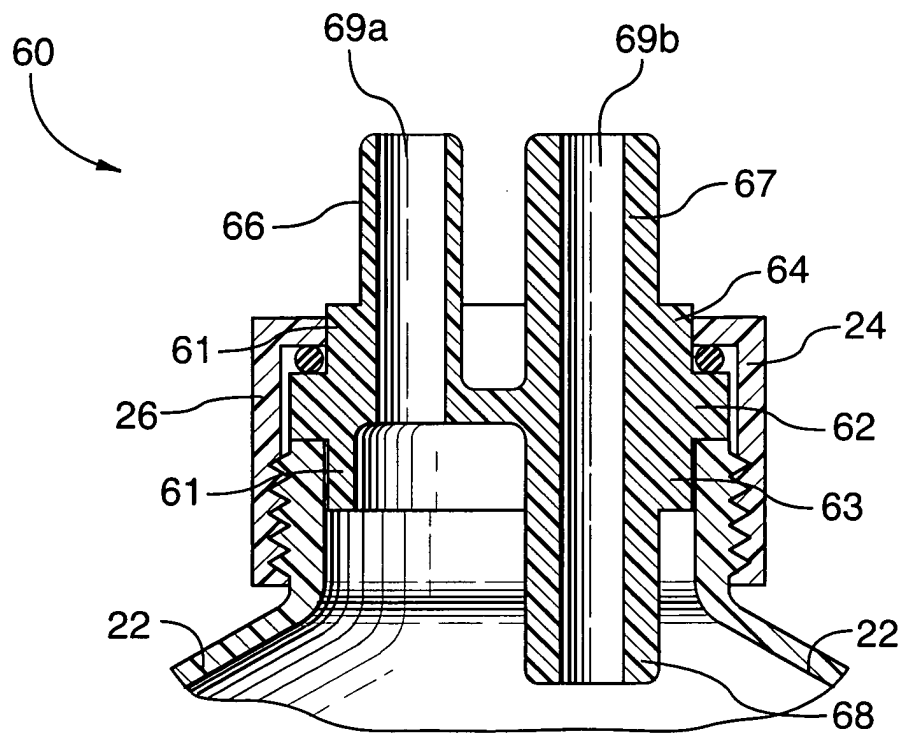


FIG. 6

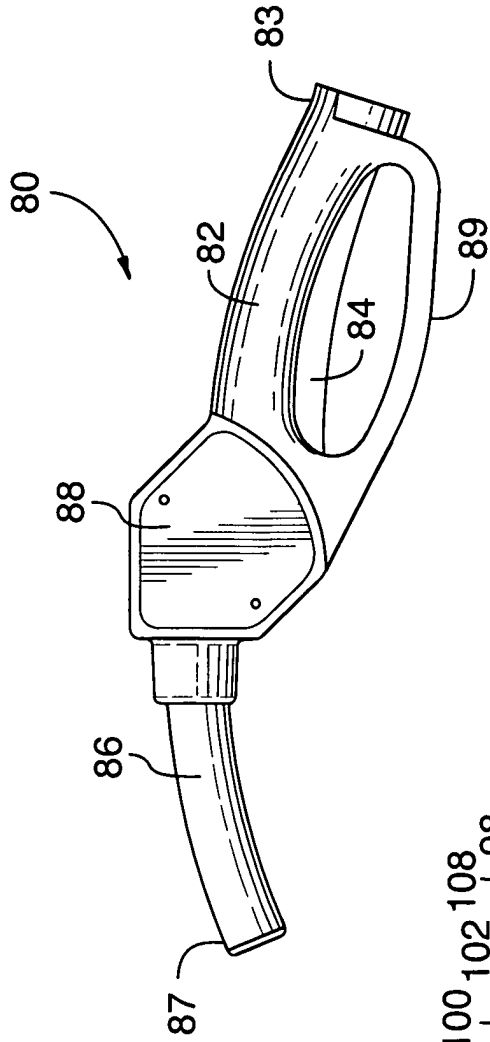


FIG. 7

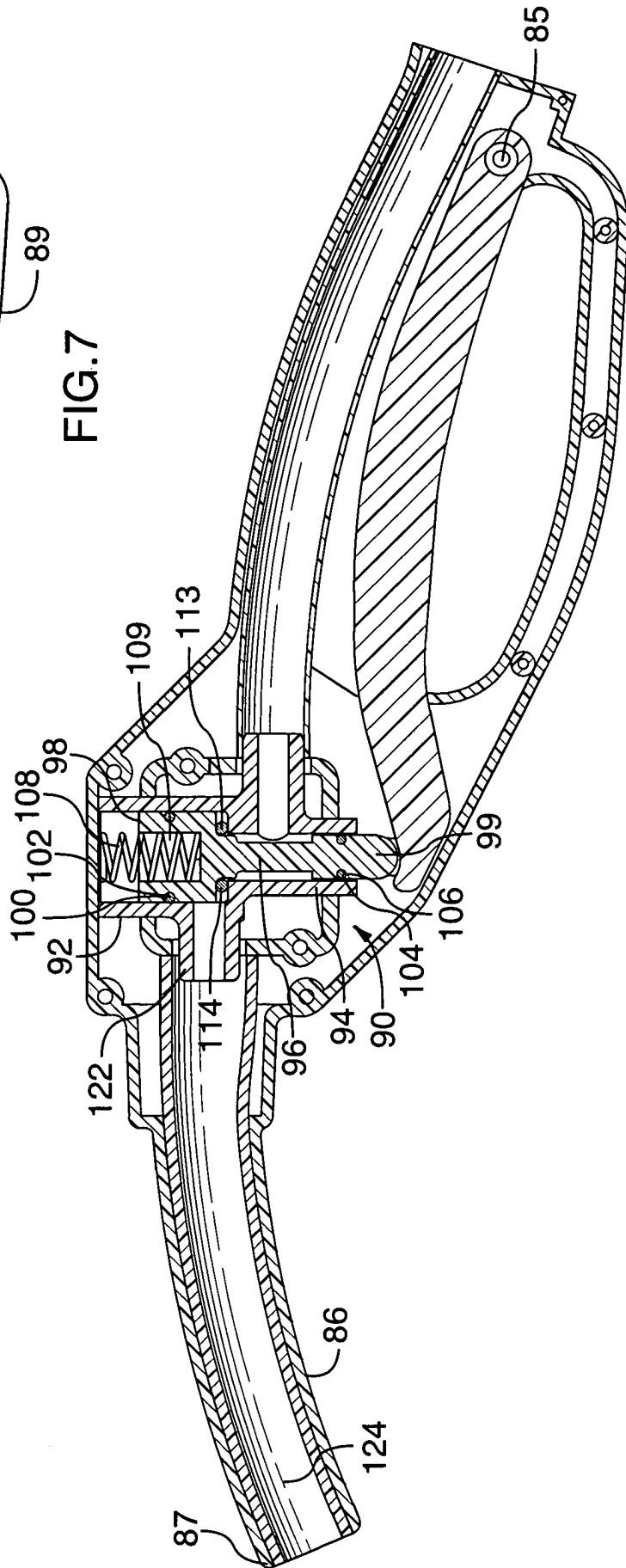


FIG. 8

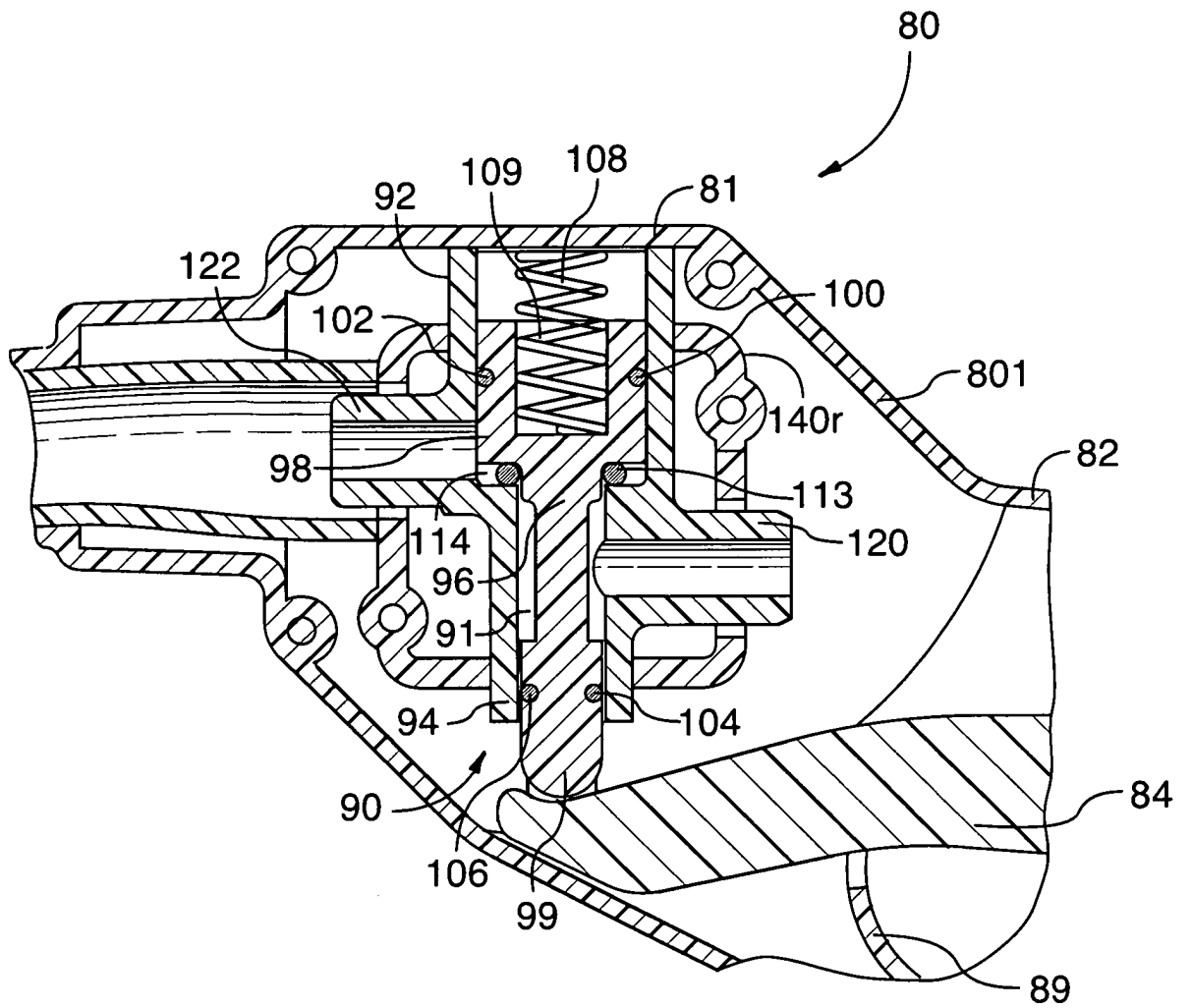
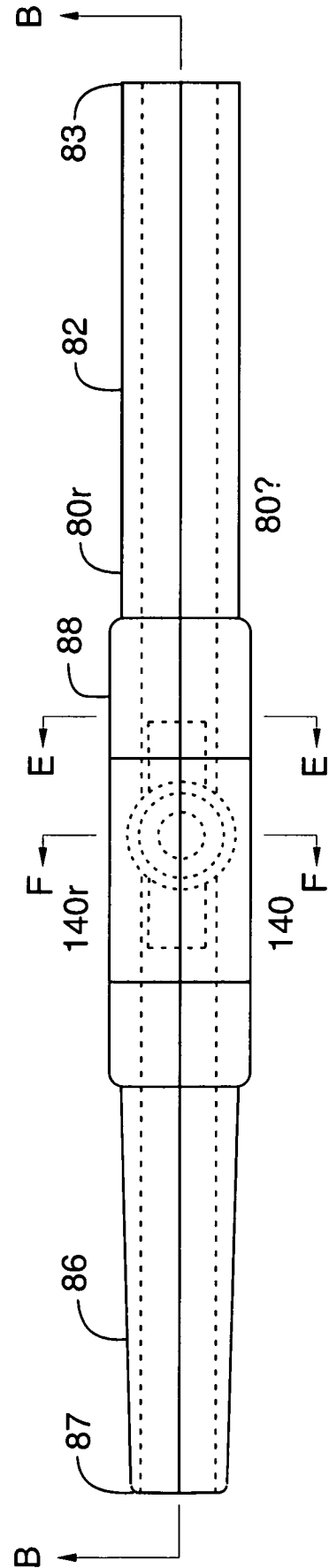
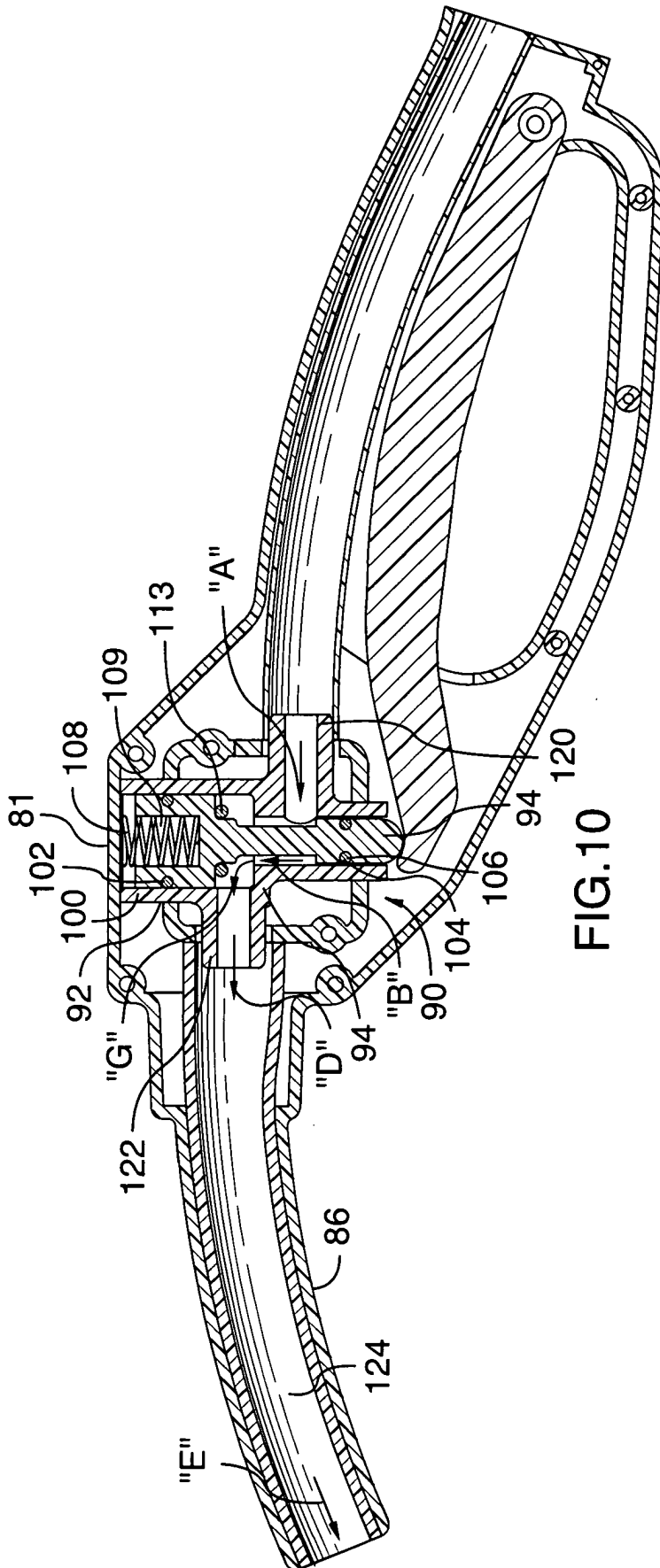
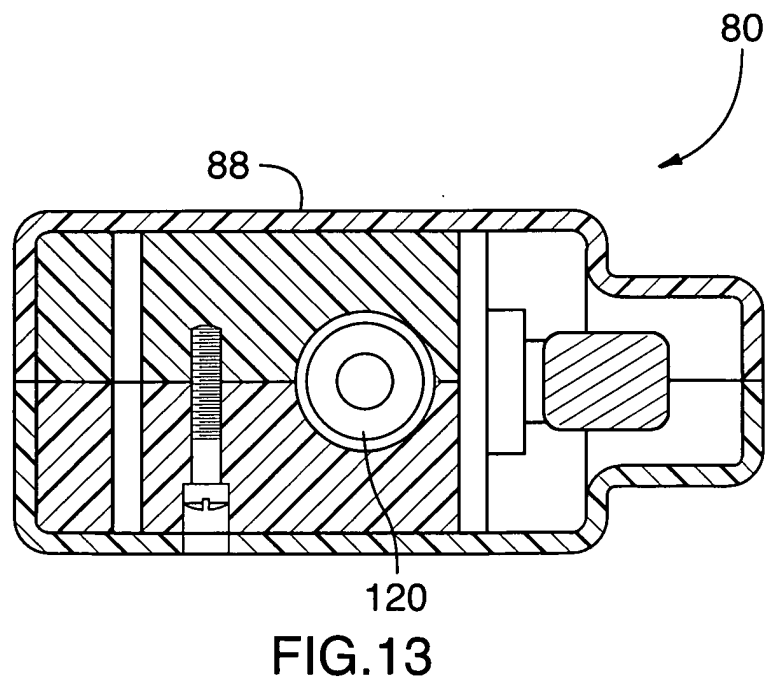
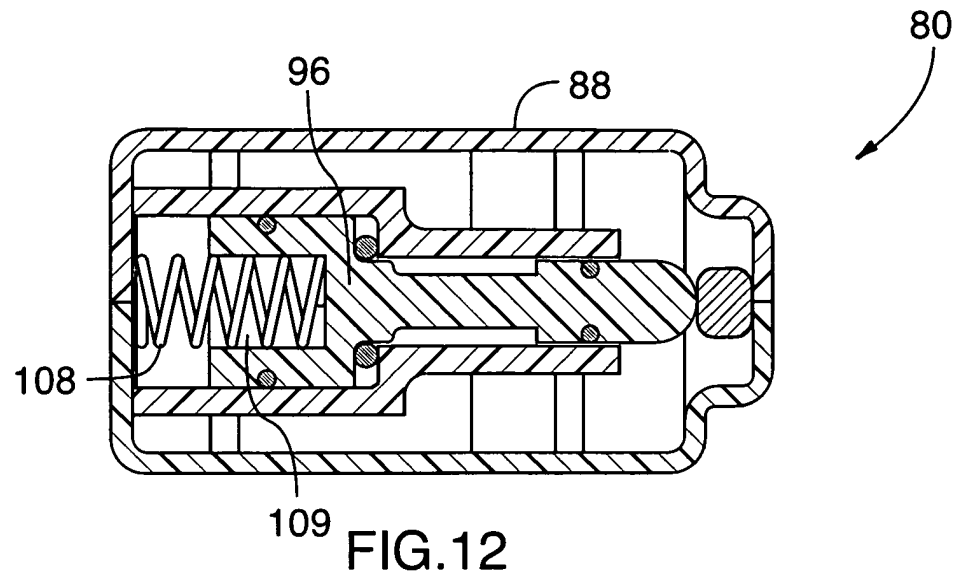


FIG.9





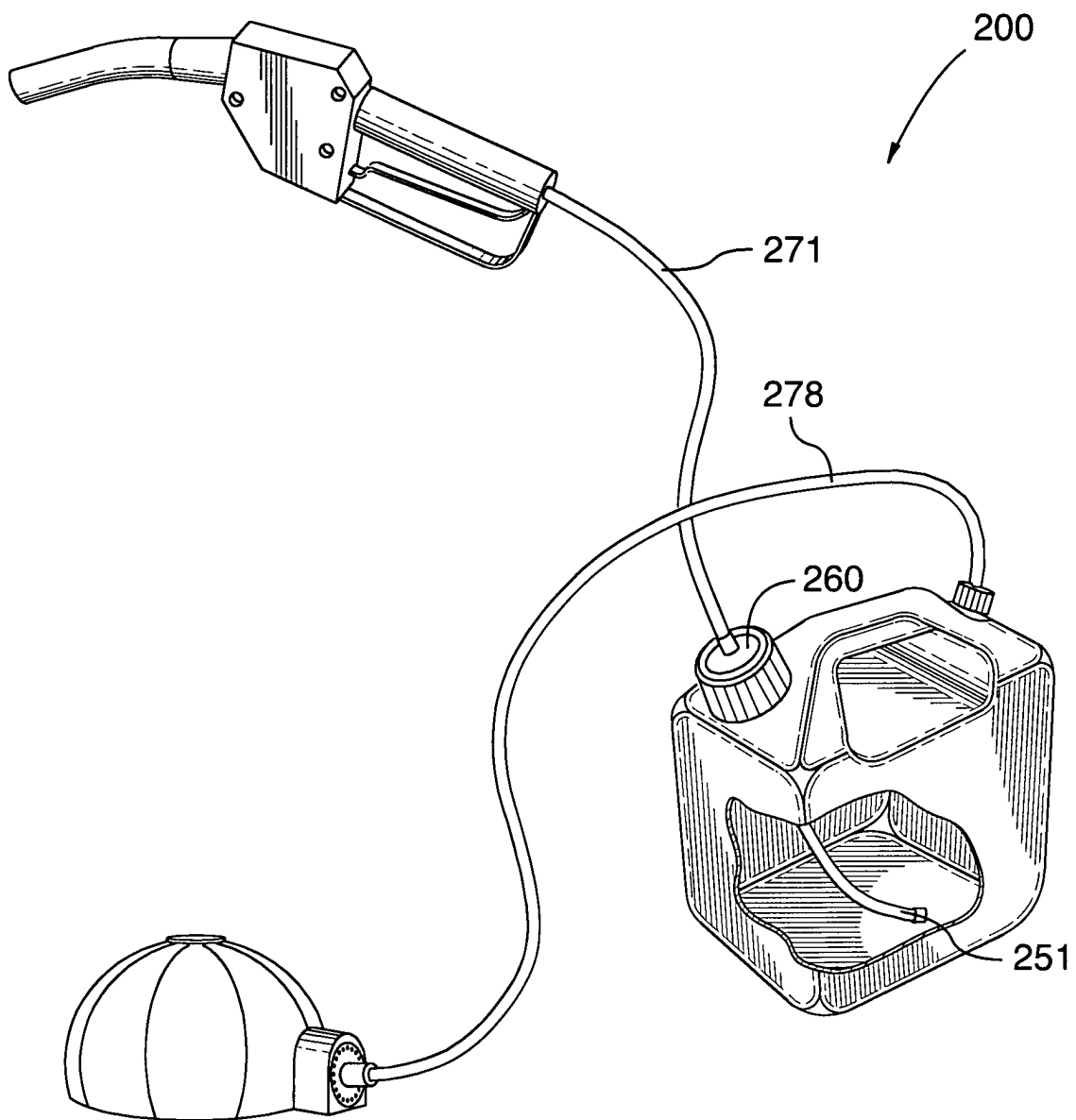


FIG.14

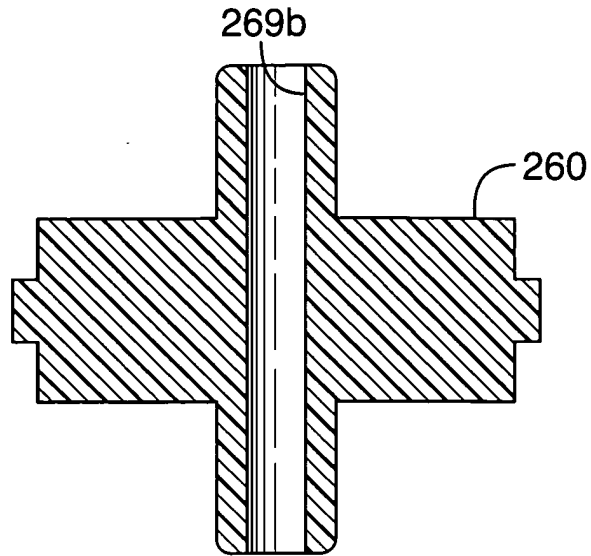


FIG.15

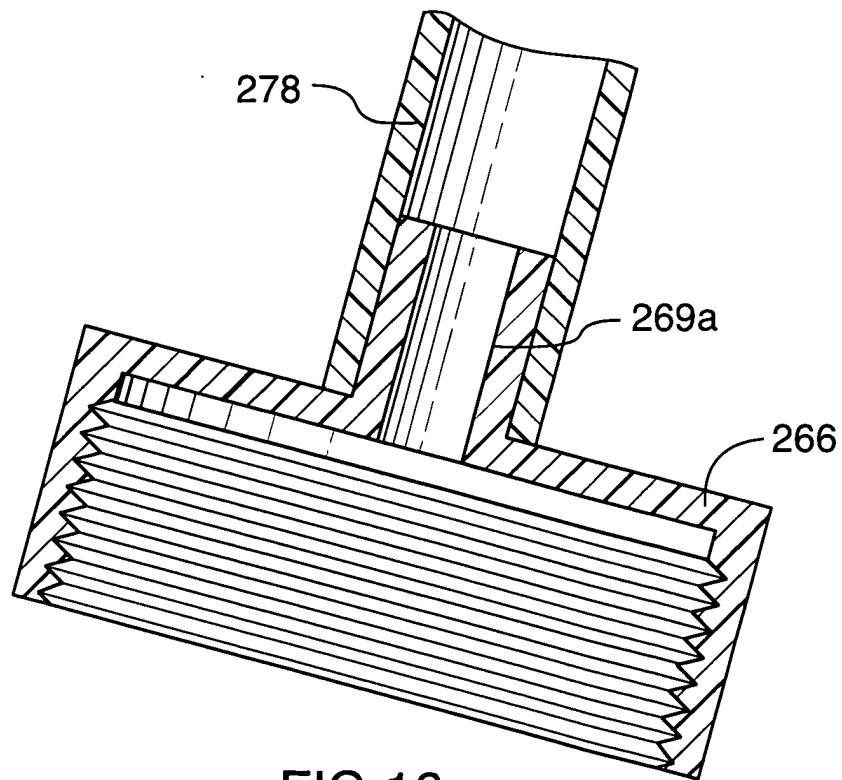


FIG.16

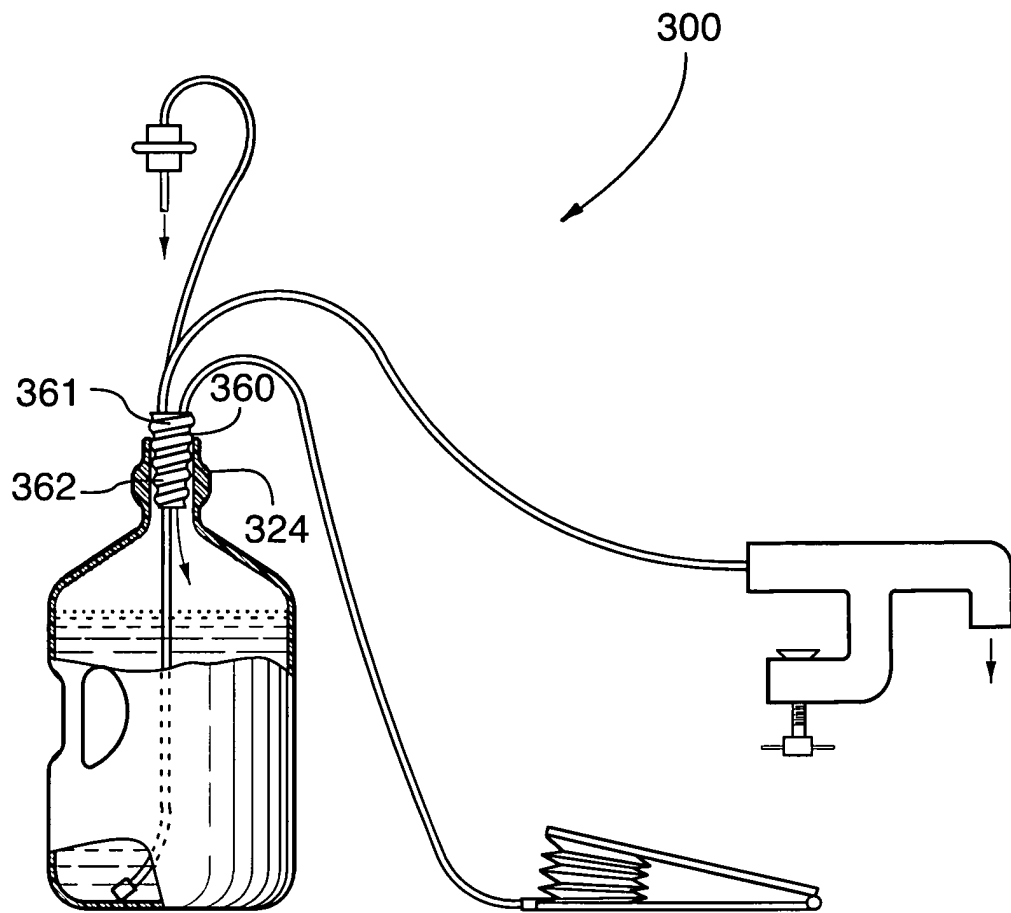


FIG.17

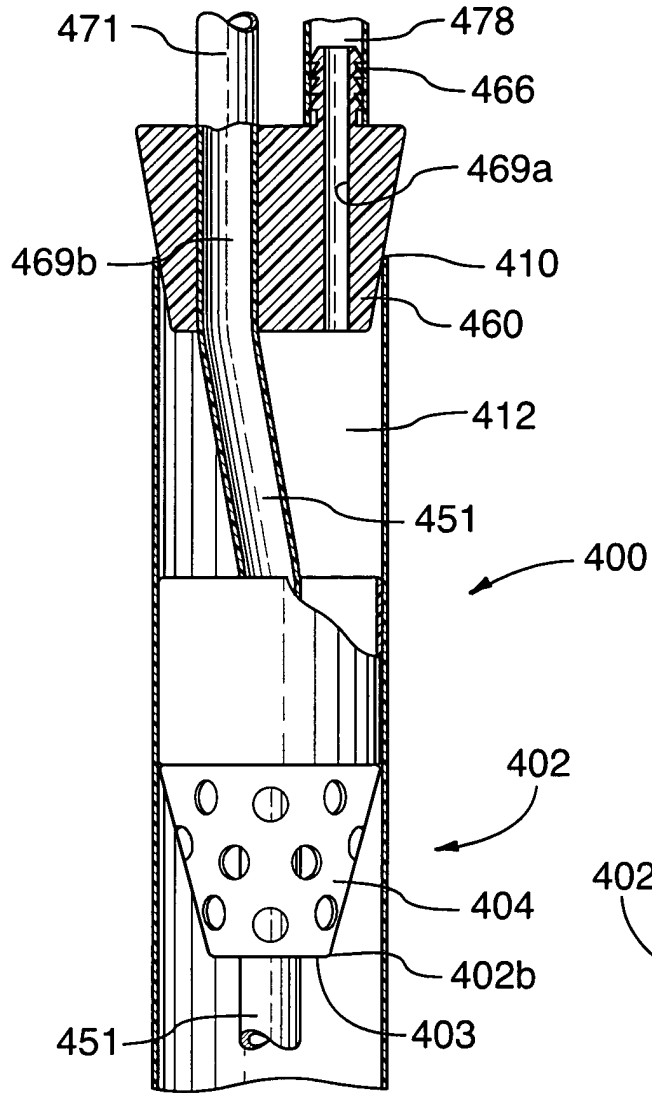


FIG.18

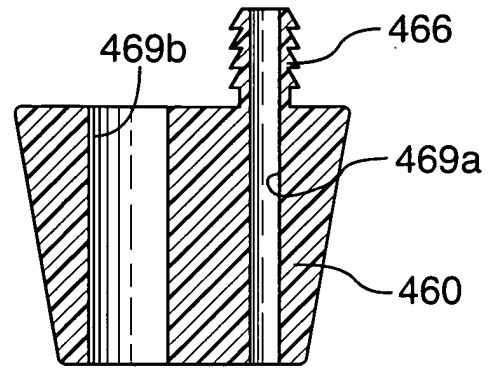


FIG.19

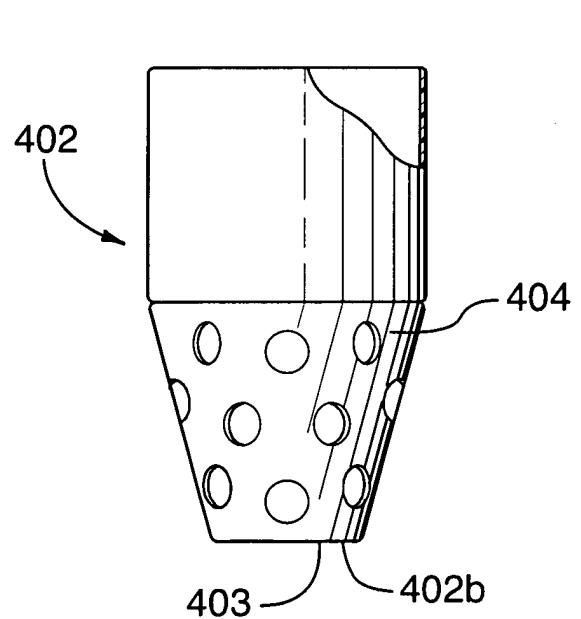
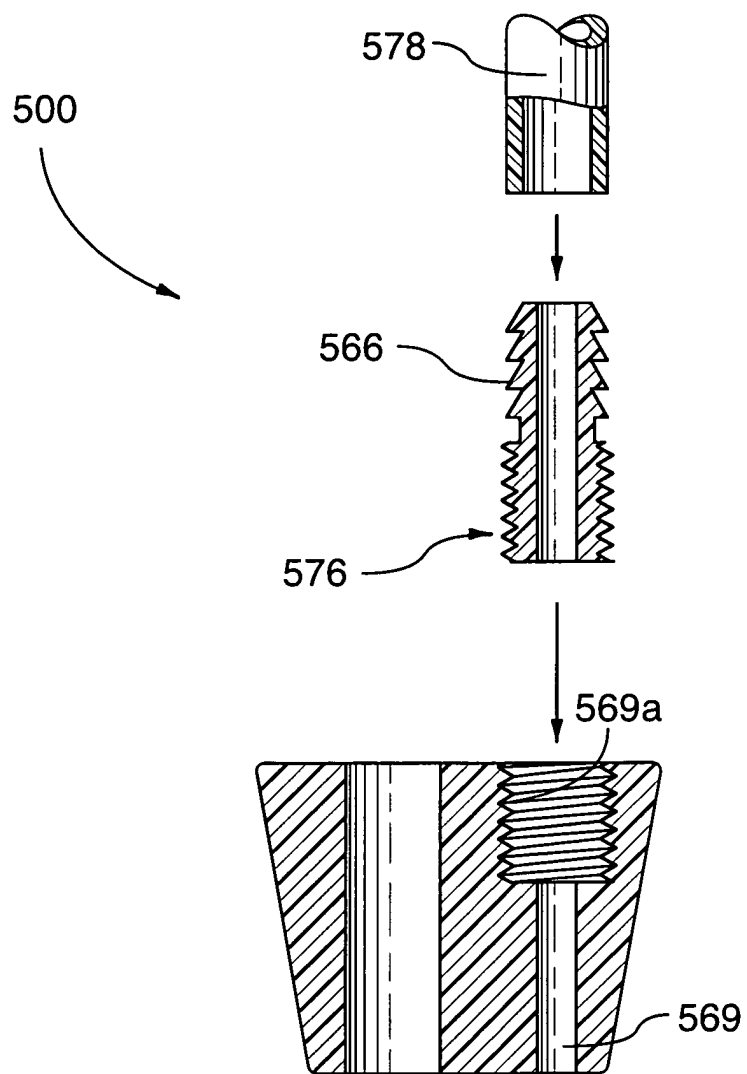


FIG.20



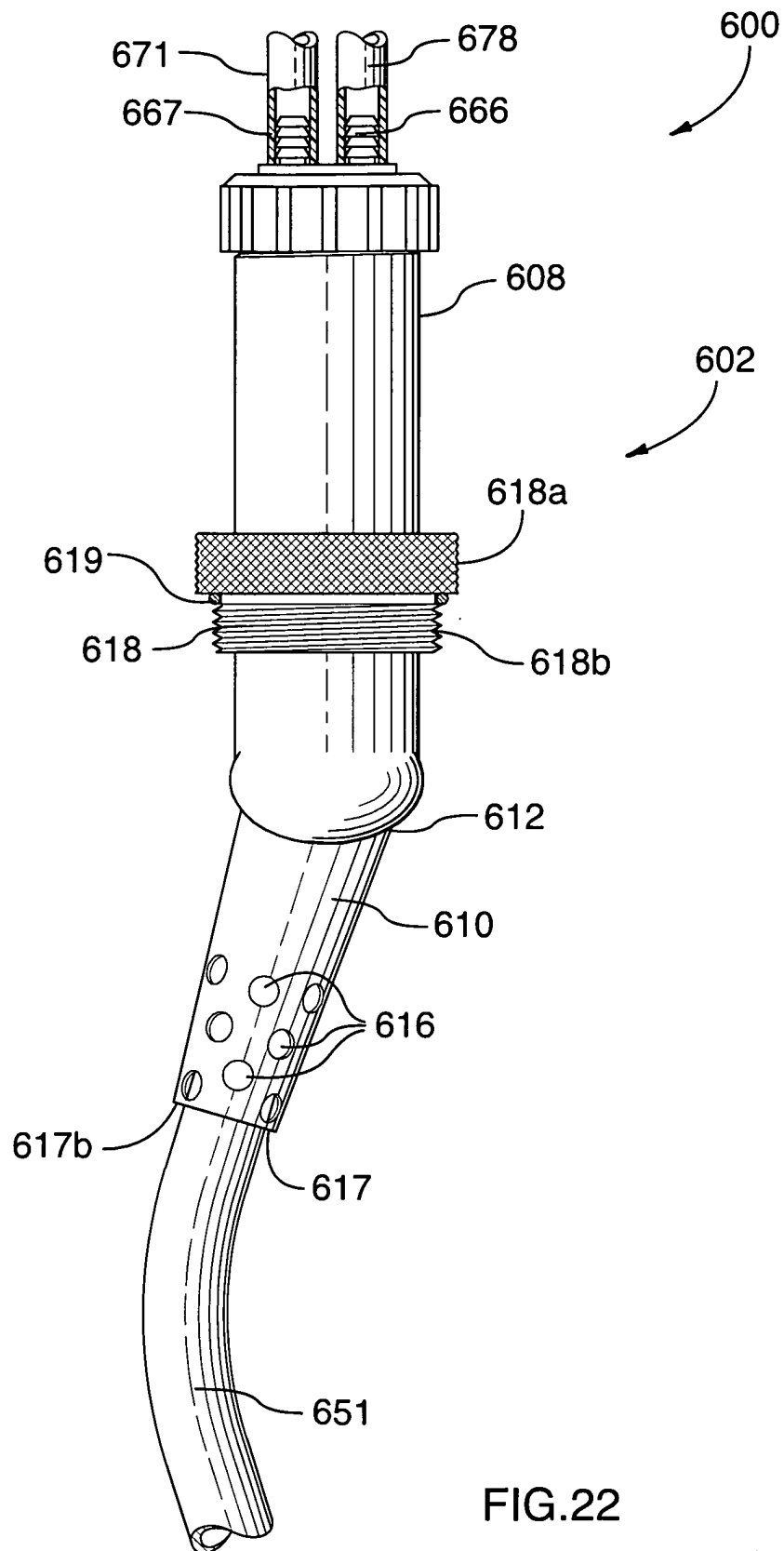


FIG.22

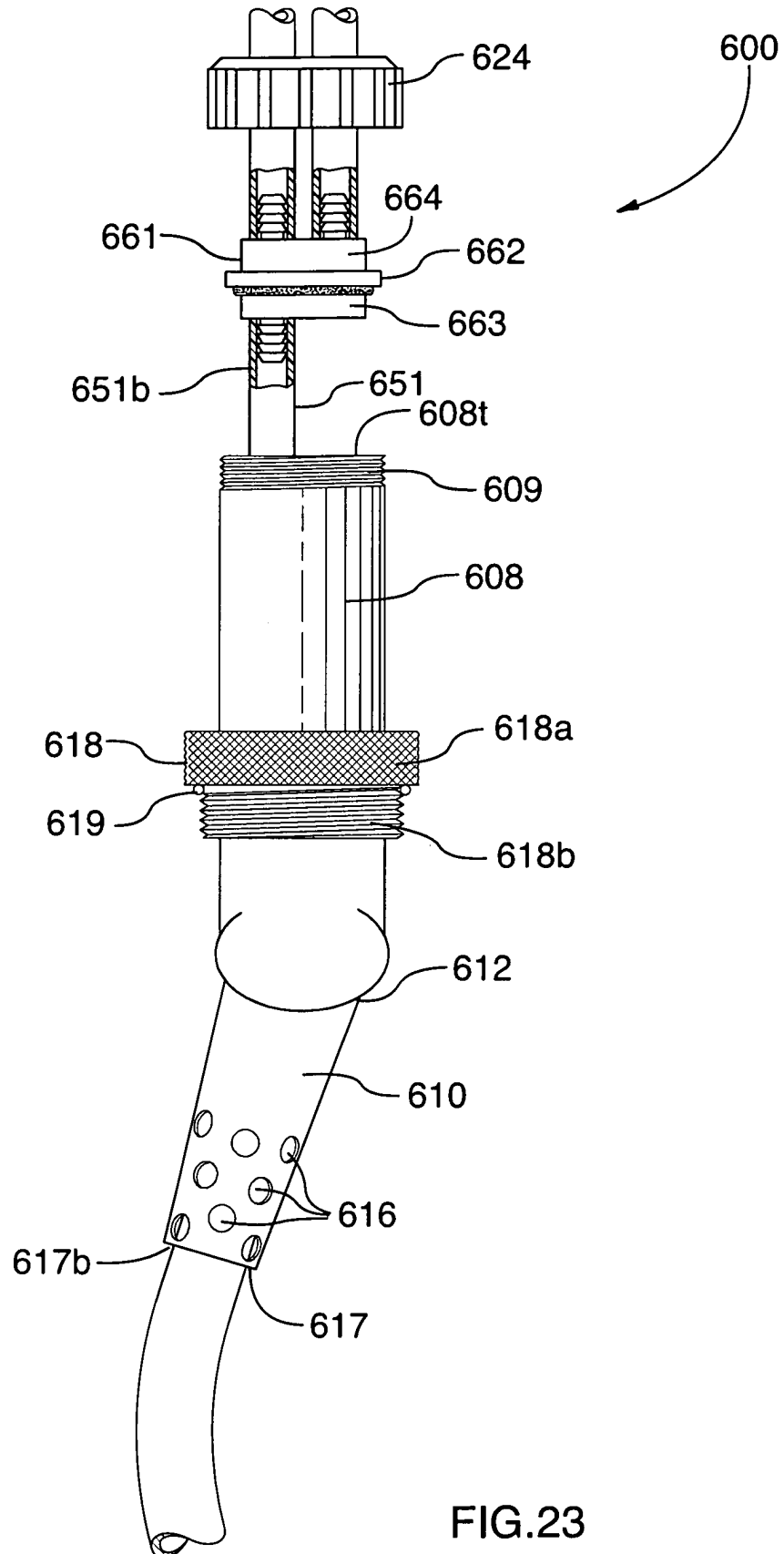


FIG.23

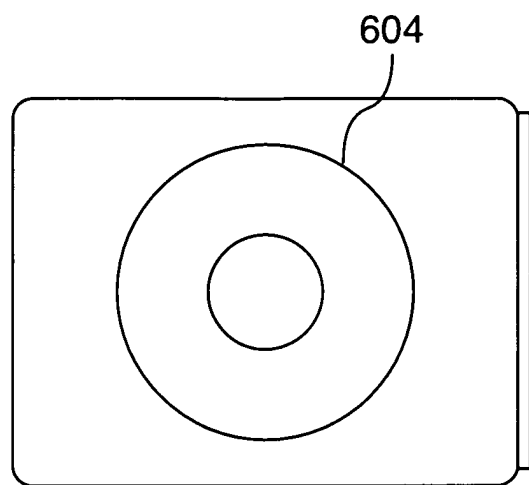


FIG. 24

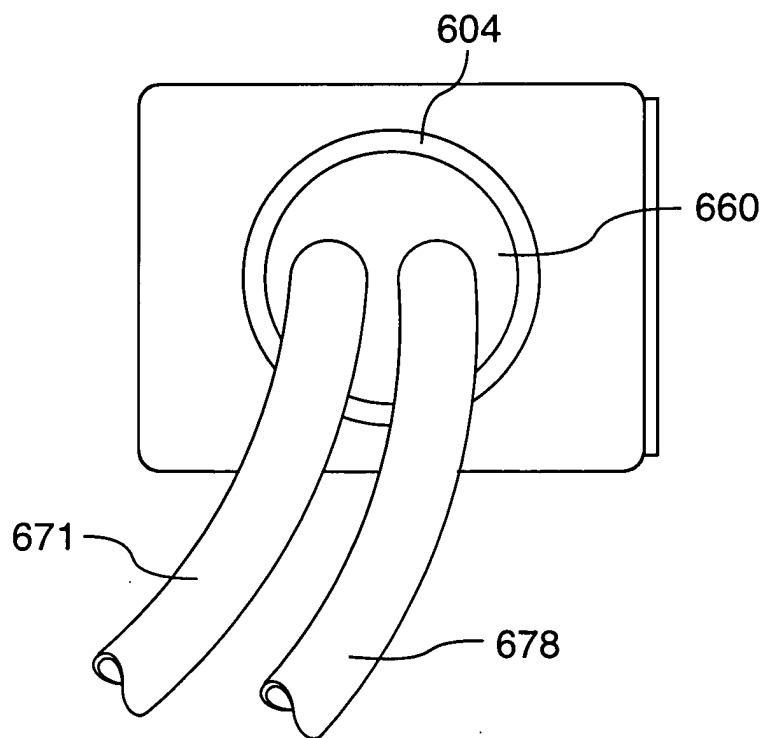


FIG. 25

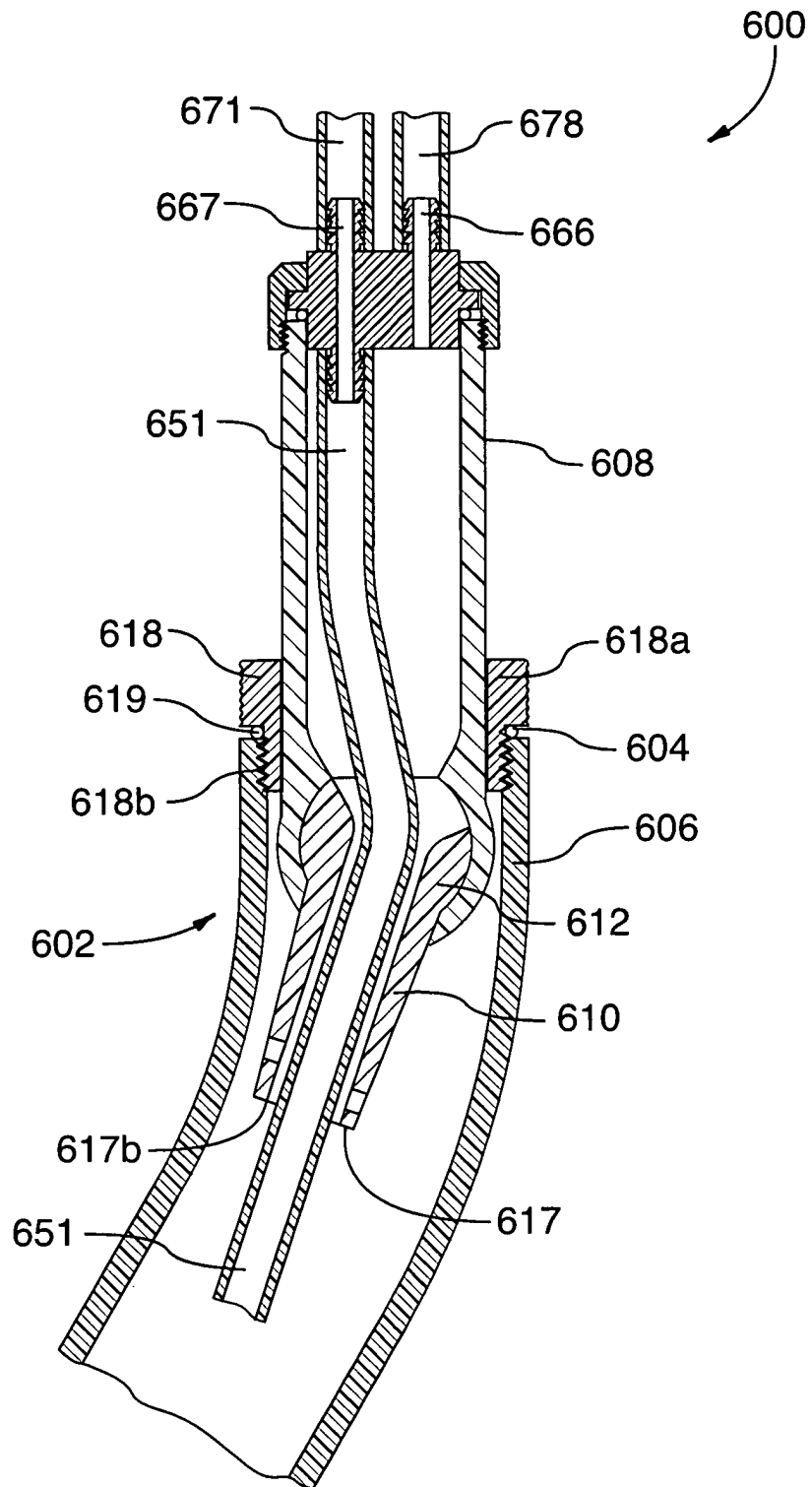


FIG.26

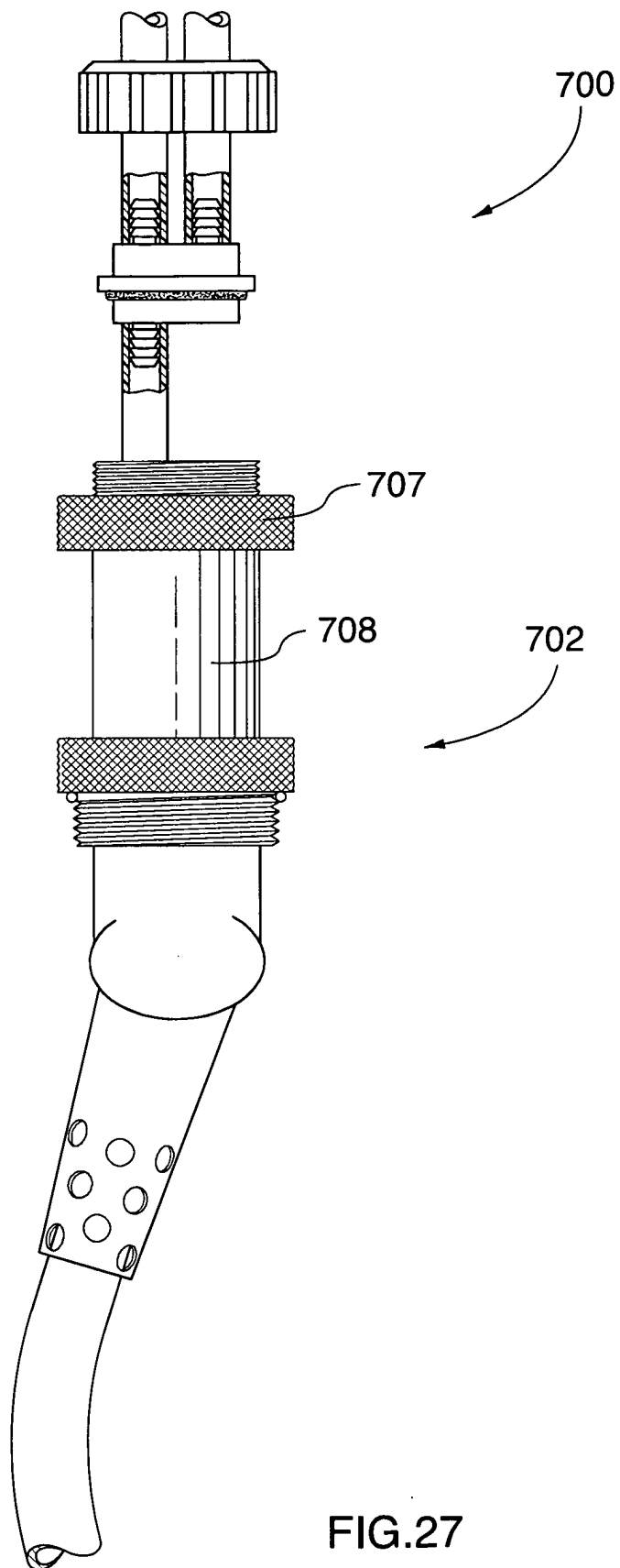


FIG.27

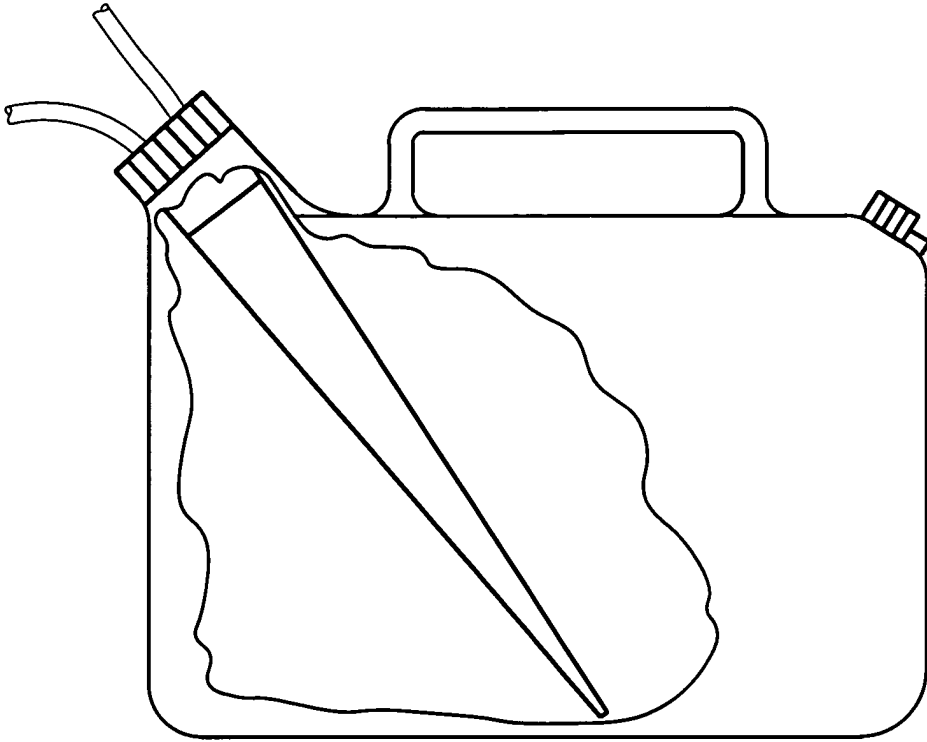


FIG.28

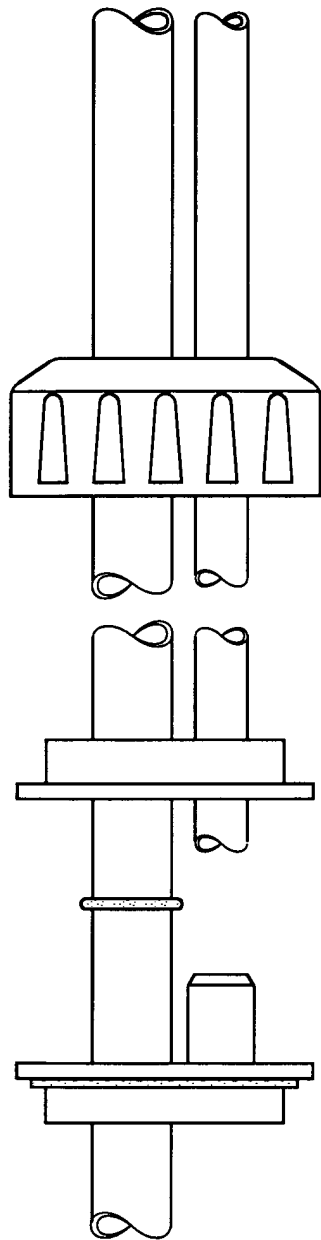


FIG. 29

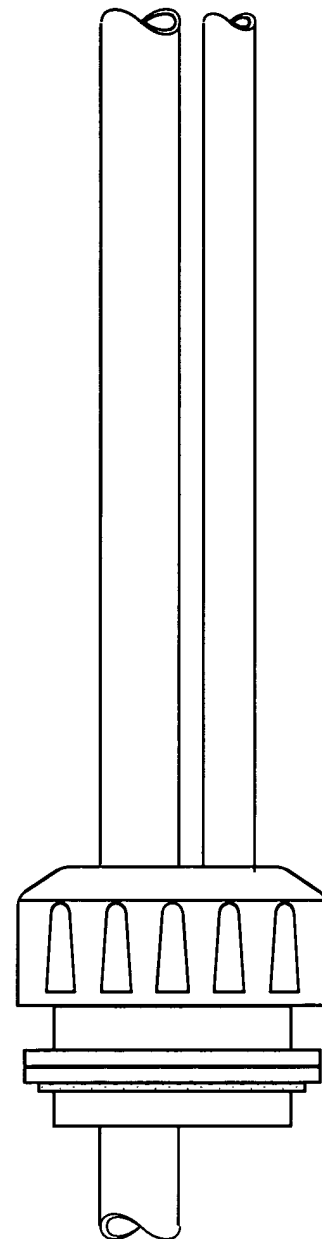


FIG. 30

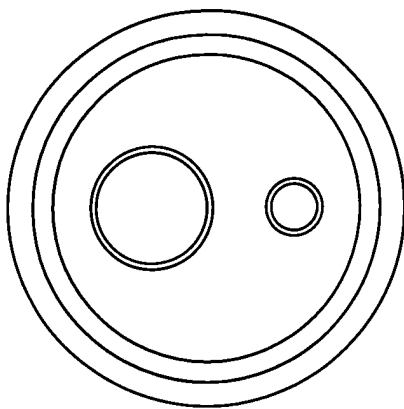


FIG. 31

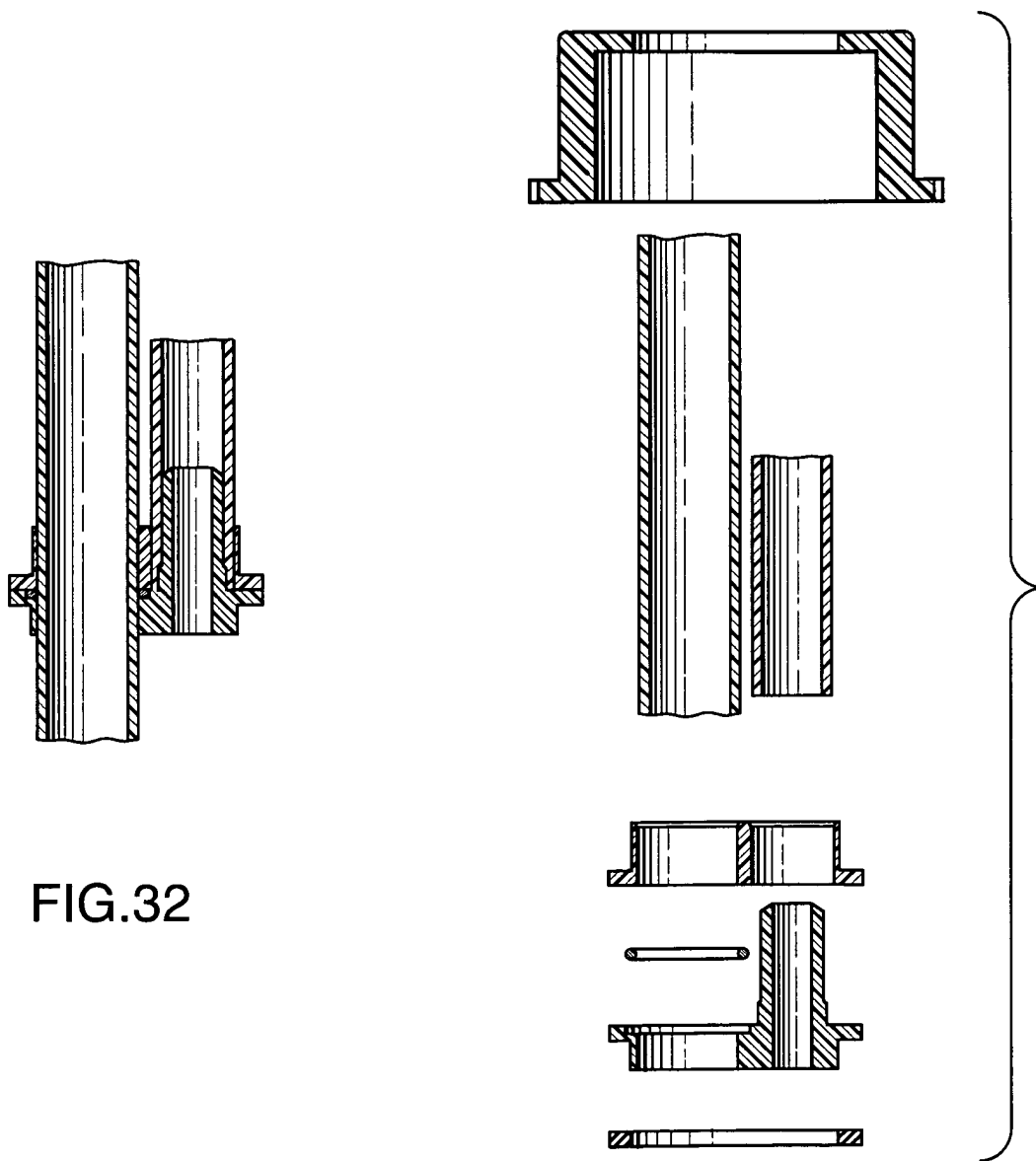


FIG. 32

FIG. 33

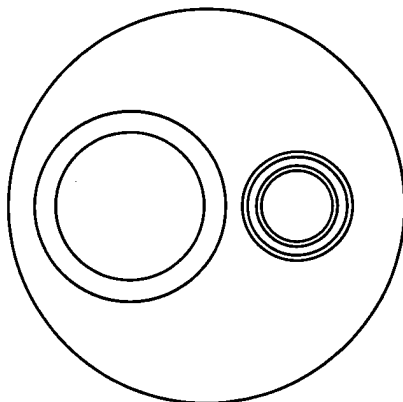


FIG. 34

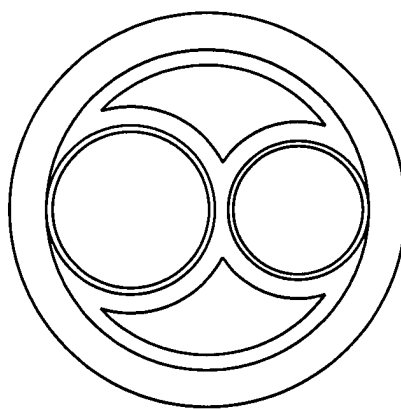


FIG. 35

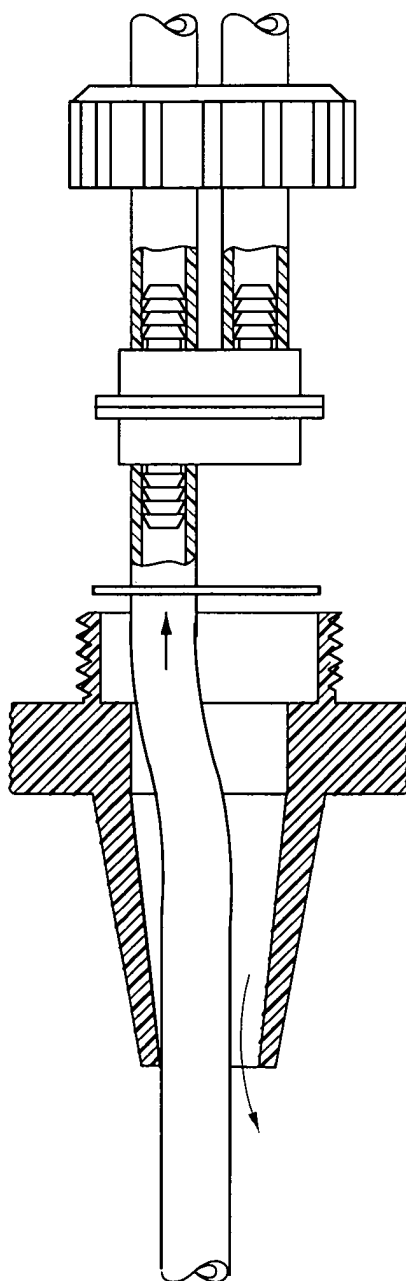


FIG.36

Dave

From: "Barry Bartlett" <barryb@bppm.ns.ca>
To: "Dave Drumond (E-mail)" <davidd@fundygrinding.com>
Sent: Wednesday, November 10, 2004 4:34 PM
Subject: FW: Pump & Fill

-----Original Message-----

From: Brad Little [mailto:jblittle@sympatico.ca]
Sent: November 10, 2004 4:26 PM
To: barryb@bppm.ns.ca
Subject: RE: Pump & Fill

Hi Barry

I will look into it. 2 years is a very normal "turn around" time with the patent offices before they get to the application, and I believe it is slightly less than 2 years. We'll see where things are. Believe it or not "Hi tech" stuff has a "turn around" time with the patent offices before they get to the application of over 3 years.

Brad

-----Original Message-----

From: Barry Bartlett [mailto:barryb@bppm.ns.ca]
Sent: Wednesday, November 10, 2004 3:20 PM
To: Brad Little (E-mail); Dave Drumond (E-mail)
Subject: Pump & Fill

Wed:

Brad:

Dave Drumond has been in the Hospital for the last week and will be away from the office for the next six weeks. Dave had asked and I also must know when can we expect to have the Patent approved, it has been almost two years now and it seems to be an excessive time. Brad could you please email me and let us know what is happening now. Thanks.
Barry

2/9/2006

From: Brad Little [mailto:jblittle@sympatico.ca]
Sent: Wednesday, December 22, 2004 5:45 PM
To: Dave Drummond
Subject: drawings etc

Hi Dave

This is to verify that the patent illustrator is willing to accept a present payment of \$1200, and that the drawings will be revised as discussed, and will be forwarded to the Patent Office. His address is below.

Thanks very much.

Brad

I.D.C.S. REG'D
11 Ramsay Ave
Cambridge, Ontario
Canada, N3C3B6

Tel:(519)658-5700

From: Brad Little [mailto:jblittle@sympatico.ca]
Sent: Thursday, February 24, 2005 9:31 AM
To: Dave
Subject: RE: Too much to do too little time to do it ?

Hi Dave

Sorry for the delay. I'll get this finished today.

Brad

-----Original Message-----

From: Dave [mailto:davidd@fundygrinding.com]
Sent: Wednesday, February 23, 2005 9:18 AM
To: Brad Little
Subject: Re: Too much to do too little time to do it ?

Brad;

Did you get 2 off the 4 questions of my last e-mail ?
I must admit I'm getting a little impatient I just want it all to be finished.

Flow and Go sold all their assets to Septra a Toronto based company that was making the gerry cans or fuel containers.

dave

----- Original Message -----

From: Brad Little
To: Dave
Sent: Tuesday, February 15, 2005 9:35 PM
Subject: RE: Too much to do too little time to do it ?

Hi Dave

I'll be working on this this evening & tomorrow morning.

Sorry for the delay.

Brad

-----Original Message-----

From: Dave [mailto:davidd@fundygrinding.com]
Sent: Tuesday, February 15, 2005 4:58 PM
To: jblittle@sympatico.ca
Subject: Too much to do too little time to do it ?

Brad,

I sure would like to have the latter or last patent pending evaluated, the way it is at this time" it is in limbo ah !"

Could you please let me know where we stand.

Dave

From: Brad Little [mailto:jblittle@sympatico.ca]
Sent: Wednesday, April 20, 2005 11:13 AM
To: Dave
Subject: RE: Finish the Patent proceedure

Hi Dave

I'll have it out to you today.

Brad

-----Original Message-----

From: Dave [mailto:davidd@fundygrinding.com]
Sent: Tuesday, April 19, 2005 10:09 AM
To: jblittle@sympatico.ca
Subject: Finish the Patent proceedure

Brad;

Waiting for the final letters to sign and the 2 sets of drawing to accompany the letters.

Dave D.

From: Brad Little [mailto:jblittle@sympatico.ca]

Sent: Wednesday, April 20, 2005 11:44 PM

To: Dave

Subject: RE: Finish the Patent procedure

Hi Dave

Got your voice mail. I've been dealing with various personal and business emergencies. I'll have the stuff out to you by tomorrow.

Thanks

Brad

IFW



IN THE UNITED STATES PATENT OFFICE
VOLUNTARY AMENDMENT

David Carl Drummond
c/o #33 - 2280 Munn's Avenue
Oakville, Ontario
Canada L6H 3L1

(905) 842-7676

July 27, 2005

The Commissioner of Patents
The United States Patent
& Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, Virginia
U.S.A. 22314

Re: United States Patent Application No. 10/617,267
Title: **POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL
SYSTEM CONFIGURED FOR OPERATION BY A HAND AND BY
A FOOT**
Priority: United States Patent Application 10/388,365,
filed March 14, 2003, and Canadian Patent
Application 2,420,624, filed January 24, 2003
Inventor: David Carl Drummond
Reference No: 74 DD-08-US
Art Unit: 3751

Dear Sir:

Please find enclosed herewith good quality formal drawings
for submission in this application.

Yours truly,

David Carl Drummond

FUNDY GRINDING**Machine / Tool Division**

9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6



P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2

To. _____ Att. Brad Little Date: Dec. 6/05

DIAGRAMS

MESSAGES

Brad;

You are not responding
to my E-Books or Petition
Calls concerning the Examiners
Letter.

I am having difficulty
tying in the individual
set and to make it part
of a single patent.

I am not interested in
completing this requirement in
February or March. I paid
all the money and request
your services to bring it to a close.

Please fax your answer:

Regards Dave Drummond

- ☐ When you have a chance
☐ ASAP
☐ Not necessary

- ☐ Dave Drummond
☐ Gary Robertson
☐ Scott Lundie
☐ David Weatherbie

PHONE 1-902-893-4274

FAX 1-902-893-7555

Email sales@fundygrinding.com

COMPANY FAX # 1-416-907-8475 No. of Pages _____

"Where service has proven to be the cornerstone of our business"

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 51

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2847
CONNECTION TEL	14168078475
SUBADDRESS	
CONNECTION ID	
ST. TIME	12/06 14:35
USAGE T	00'45
PGS.	1
RESULT	OK

FUNDY GRINDING —



— Machine / Tool Division

9 FARNHAM ROAD
 BIBLE HILL, N.S.
 B2N 2X6

P.O. BOX 1290
 TRURO, NOVA SCOTIA
 B2N 5N2

To. _____

Att. Brad LittleDate: Dec 6/05

DIAGRAMS

MESSAGES

Brad;

You are not responding
 to my E-Mail or Peter's
 calls concerning the Brad's
 letter

I am having difficulty
 tying in the individual
 art and to make it part
 of a single patent
 I am not interested in
 evaluating this ...

DR 101

*Unless you left the
country I need your expertise,
I am struggling through the
text of the Application.*

*Kindred please find a sketch
of the comparison of one container
and a multi container but the
principle is the same isn't it?*

*Please give me a call because
the clock is ticking and Chris
letter goes back to Sept 4/05*

Please fax your answer:

Regards *David D.*

- | | |
|---|---|
| <input type="checkbox"/> When you have a chance | <input type="checkbox"/> Dave Drummond |
| <input type="checkbox"/> ASAP | <input type="checkbox"/> Gary Robertson |
| <input type="checkbox"/> Not necessary | <input type="checkbox"/> Scott Lundie |
| | <input type="checkbox"/> David Weatherble |

PHONE 1-902-893-4274

FAX 1-902-893-7555

Email sales@fundygrinding.com

COMPANY FAX # *1-902-907-0475*

No. of Pages _____

"Where service has proven to be the cornerstone of our business"

TRANSMISSION OK	TX/RX NO	3108	19053746277	12/15 16:45	01:32	3	OK
CONNECTION TEL	SUBADDRESS	CONNECTION ID	ST. TIME	USAGE T	PGS.	RESULT	

*** TX REPORT ***

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 53

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3109
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SUBADDRESS	
CONNECTION ID	
ST. TIME	12/15 16:47
USAGE T	01'42
PGS.	3
RESULT	OK

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— Machine / Tool Division

9 FARNHAM ROAD
 BIBLE HILL, N.S.
 B2N 2X6

P.O. BOX 1290
 TRURO, NOVA SCOTIA
 B2N 5N2

To. _____

Att. BRAD LITTLEDate: DEC 15/05

DIAGRAMS

MESSAGES

BRAD:

Unless you left the
 country I need your expertise,
 I am struggling through the
 text of the Application:

Kindred please find a sketch
 of the comparison of one container
 and a multi container but the
 principle is the same isn't it?

N.

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 54
FUNDY GRINDING — **Machine / Tool Division**

9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6



P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2

To: I.D.C.S. Reg'd Att: EVON Date: JAN 13/06

DIAGRAMS

MESSAGES

P.S. Foot Pump, ONE HAND,
ONE FOOT ONE ON/OFF VALVE
4 Pcs OF Act for the PUMP.

Evon:

Please find enclosed all
the copies I had on file
concerning Feb 17, as you
can see the ON/OFF RETURN
was originally on the
2002 sketches.

Now the first set of
sketches went to the patent
office did they have the dat?
I am sending this group
to BRAD to see what he
can come up with. E-Mail
Me Your COMMENTS

Please fax your answer:

Regards

Dave Drummond

- ☐ When you have a chance
☐ ASAP
☐ Not necessary

- ☐ Dave Drummond
☐ Gary Robertson
☐ Scott Lundie
☐ David Weatherbie

PHONE 1-902-893-4274

FAX 1-902-893-7555

Email sales@fundygrinding.com

COMPANY FAX # 1-519-658-8124

No. of Pages

"Where service has proven to be the cornerstone of our business"

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 55

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3459
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SUBADDRESS	
CONNECTION ID	
ST. TIME	01/13 13:19
USAGE T	01'58
PGS.	4
RESULT	OK

FUNDY GRINDING — Machine / Tool Division

9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6



P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2

To: I.D.C.S. Reg'd Att: EVON Date: JAN 13/66

DIAGRAMS

MESSAGES

Foot Pump, One Hand,
Foot One ON/OFF Valve
Per' of Act for Two Pistons.

Learn:

Please find enclosed all
the copies I had on file
concerning Fig 17. as you
can see the ON/OFF Button
was originally on the
2002 sketches.

Now the first set of
sketches went to the patent
office did they have the dat?
o . . .

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 56

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3458
CONNECTION TEL	18199941989
SUBADDRESS	
CONNECTION ID	CIP0 - PATENT BR
ST. TIME	01/13 13:17
USAGE T	02'00
PGS.	4
RESULT	OK

FUNDY GRINDING — Machine / Tool Division

9 FARNHAM ROAD
 BIBLE HILL, N.S.
 B2N 2X6



P.O. BOX 1290
 TRURO, NOVA SCOTIA
 B2N 5N2

To: PATENT EXAMINER Att. CHRIS FITZ-HALDY Date: JAN 13/06

DIAGRAMS

MESSAGES

"PUMP & FILL"

Chris ;

REF: FIG 17 WATER TRANSFER
 SYSTEM USING A PUMP, A FOOT,
 A HAND AND A VALVE (ON/OFF)

WELL THE FINAL DRAWING THAT
 WERE SENT TO YOU DID NOT SHOW
 A BUTTON ON THE LIQUID OUTLET
 BRACKET AN ON/OFF VALVE, I'M
 AM SURE IT WAS SHOWN ON THE
 FIRST SET OF SKETCHES WHEN MY
 APPLICATION WAS FIRST SENT IN.
 THE P.O.

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 57

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3457	
CONNECTION TEL		18199941989
SUBADDRESS		
CONNECTION ID	CIP0 - PATENT BR	
ST. TIME	01/13 13:15	
USAGE T	00'47	
PGS.	1	
RESULT	OK	

FUNDY GRINDING —



— Machine / Tool Division

9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6

P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2

To: PATENT EXAMINER Att. CHRIS FIE-HACOV Date: JAN 13/06

DIAGRAMS

MESSAGES

CHRIS ; "PUMP & FILL"

REF: FIG 17 WATER TRANSFER
SYSTEM USING A PUMP, A FOOT,
A HAND AND A VALVE (ON/OFF)

WELL THE FINAL DRAWING THAT
WERE SENT TO YOU DID NOT SHOW
A BUTTON ON THE LIQUID OUTLET
BUCKET AN ON/OFF VALVE, I'M
AM SURE IT WAS SHOWN ON THE
FIRST SET OF SKETCHES WHEN MY
APPLICATION WAS FIRST SENT IN.
T. - D. - 1 - - - - -

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 58

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3460	
CONNECTION TEL		14189078475
SUBADDRESS		
CONNECTION ID		
ST. TIME	01/13 13:27	
USAGE T	01'59	
PGS.	4	
RESULT	OK	

FUNDY GRINDING —



— Machine / Tool Division

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 BIBLE HILL, N.S.
 B2N 2X6

P.O. BOX 1290
 TRURO, NOVA SCOTIA
 B2N 5N2

To. _____

Att. Brao LittleDate: Jan 13/00

DIAGRAMS

MESSAGES

Brao:

Please find enclosed all
 the copies I had on file
 concerning FIG. 17. As you
 can see the ON/OFF button
 was on the original 2002
 sketches.

Now the first set of
 sketches sent in with the
 explanation did they show the
 ON/OFF button and if so
 can the R. i. D. H. &

FUNDY GRINDING9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6**Machine / Tool Division**P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2To: 1005 REG'S Att: EVON Date: Jan 15/00

DIAGRAMS

MESSAGES

EVON

ENCLOSED IS A COPY ON
FILM OF THE ORIGINAL PATENT
SKETCHES SHOWING THE BUZZ
BUT NOT THE ON / OFF ARM,
I THINK THIS WAS CANCELLED OUT
IN THE PHOTO COPY.

BRAO SING THAT WITH A
EXPLANATION IT MIGHT FLY.
COULD YOU KEEP BRAO REMOVED
W/ HIS VOICE TELLS ME THAT
I'M DEAD IN THE WATER.
I HAVE 3 PEOPLE HELPING ME AND
BRAO HERE IS LIKE PULLING TEETH!

Please fax your answer:

Regards

Dave Drummond

- | | |
|---|---|
| <input type="checkbox"/> When you have a chance | <input type="checkbox"/> Dave Drummond |
| <input type="checkbox"/> ASAP | <input type="checkbox"/> Gary Robertson |
| <input type="checkbox"/> Not necessary | <input type="checkbox"/> Scott Lundie |
| | <input type="checkbox"/> David Weatherbie |

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FAX 1-902-893-7555

Email sales@fundygrinding.com

COMPANY FAX # 1-519-658-8124No. of Pages

"Where service has proven to be the cornerstone of our business"

From: Yvon Crispin [mailto:yvon@rogers.com]
Sent: Monday, February 27, 2006 7:49 AM
To: Brad Little
Cc: davidd@fundygrinding.com
Subject: Re: Dave Drummond

Hi Brad,

Look carefully to the Fig 10,11 as the 140r and 140l ,80r,80l was a question mark originally when the job were done . Look to what I did including item 801
The figure 26,29,30,36, revised as requested

On 2/27/06 12:05 AM, "Brad Little" <jblittle@cogeco.ca> wrote:

Hi Yvon

In Dave Drummond's drawings:

- did you make an amendment of "80" to "80l" in Figure 11?
- In Figure 26, "F" indicates arrows that show swiveling
- In Figures 29 and 30, add arrows "G1" and "G2"
- In Figure 36, correct arrows "H1" and "H2"

Thanks

Brad

From: Yvon Crispin [mailto:yvon@rogers.com]
Sent: Wednesday, March 01, 2006 9:15 AM
To: Brad Little
Cc: davidd@fundygrinding.com
Subject: Re: Dave Drummond

BRAD,

DRAWING FIG 30 CORRECTED

Regards,
Yvon Crispin

I.D.C.S. REG'D
11 Ramsay Ave
Cambridge, Ontario
Canada, N3C3B6

Tel:(519)658-5700
Fax:(519)658-8124
Website: <http://www.idcsregd.com/>

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On 3/1/06 1:02 AM, "Brad Little" <jblittle@cogeco.ca> wrote:

Hi Yvon

In Dave Drummond's Figures 29 & 30, 900 does not have an arrow.

Thanks

Brad

Dave D

From: I.D.C.S. REG'D [idcs@rogers.com]
Sent: Wednesday, April 12, 2006 8:51 PM
To: sales@fundygrinding.com
Cc: davidd@fundygrinding.com
Subject: Re:CORRECTED DRAWINGS

Dave,

How are you doing, Brad told me that the Canadian application for your patent has been completed and next will be the US application.

I hope everything goes well for you

I am still hoping to get some money from you one of these days.

Regards,
Yvon Crispin

I.D.C.S. REG'D
11 Ramsay Ave
Cambridge, Ontario
Canada, N3C3B6

Tel:(519)658-5700
Fax:(519)658-8124
Website: <http://www.idcsregd.com/>

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3/21/2008

Dave

From: "Sales" <sales@fundygrinding.com>
To: "Dave Drummond" <davidd@fundygrinding.com>
Sent: Tuesday, June 06, 2006 1:25 PM
Subject: Fw: <no subject>

----- Original Message -----

From: Y. Crispin I.D.C.S. REG'D
To: sales@fundygrinding.com
Sent: Tuesday, June 06, 2006 7:39 AM
Subject: <no subject>

Hi Dave,

Thank you very much for the cheque of \$ 600.00

Balance of the invoice # 04851 dated September 14 2004 from IDCS Reg'd was \$ 1,341.25.

January 2006 you gave us a cheque for \$200.00 followed by one of \$250.00 and this week \$600.00 for a total amount of \$1050.00.

The outstanding is \$291.25.

I will try to contact or meet with Brad this week and will let you know of what I will learn about your US patent application.

My best Regards,

Regards,
Yvon Crispin

I.D.C.S. REG'D
11 Ramsay Ave
Cambridge, Ontario
Canada, N3C3B6

Tel: (519) 658-5700
Fax: (519) 658-8124
Website: <http://www.idcsregd.com/>

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6/7/2006

FUNDY GRINDING9 FARNHAM ROAD
BIBLE HILL, N.S.
B2N 2X6**Machine / Tool Division**P.O. BOX 1290
TRURO, NOVA SCOTIA
B2N 5N2To: Commissioner of Patents Att. _____ Date: MAY 29/06.

DIAGRAMS

MESSAGES

BEST AVAILABLE COPY

*Dear Sir:**Could you please forward
any information concerning the
enclosed application, is it still
active, if it is what is its status?**A response by mail would
be greatly appreciated to the
address enclosed.*TEL 902/893-4275 FAX ~~902~~ 893-7555
33271 13 WOO 5477888
DAVID DRUMMOND
PRESIDENT
FUNDY GRINDING & MACHINE LTD
PO BOX 1290 RPO PRINCE
6 FARNHAM RD
TRURO NS B2N 5N2 ; CANADA*Yours Truly**David Drummond*

Please fax your answer:

Regards _____

- ☐
- When you have a chance
-
- ☐
- ASAP
-
- ☐
- Not necessary

- ☐
- Dave Drummond
-
- ☐
- Gary Robertson
-
- ☐
- Scott Lundie
-
- ☐
- David Weatherbie

PHONE 1-902-893-4274
FAX 1-902-893-7555
 Email sales@fundygrinding.com

COMPANY FAX # _____ No. of Pages _____

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IPW

IN THE UNITED STATES PATENT OFFICE
VOLUNTARY AMENDMENT

David Carl Drummond
c/o #33 - 2280 Munn's Avenue
Oakville, Ontario
Canada L6H 3L1

(905) 842-7676

July 27, 2005

Sent Aug 3/05 JH

The Commissioner of Patents
The United States Patent
& Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, Virginia
U.S.A. 22314

Re: United States Patent Application No. 10/617,267
Title: **POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL
SYSTEM CONFIGURED FOR OPERATION BY A HAND AND BY
A FOOT**
Priority: United States Patent Application 10/388,365,
filed March 14, 2003, and Canadian Patent
Application 2,420,624, filed January 24, 2003
Inventor: David Carl Drummond
Reference No: 74 DD-08-US
Art Unit: 3751

Dear Sir:

Please find enclosed herewith good quality formal drawings
for submission in this application.

Yours truly,

David Carl Drummond

BEST COPY

From: Brad Little [mailto:jblittle@sympatico.ca]
Sent: Saturday, August 12, 2006 7:02 PM
To: 'David Drummond'
Subject: RE: Chris Fitz- Hardy

Sure

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Saturday, August 12, 2006 12:05 PM
To: jblittle@sympatico.ca
Subject: Chris Fitz- Hardy

Brad;

I just got an answer back from Chris, are you interested in reviewing and constructing a response ?

Please let me know

Regards

Dave D.

Dave D

From: Brad Little [jblittle@cogeco.ca]
Sent: Tuesday, January 09, 2007 11:58 AM
To: 'David Drummond'
Subject: RE: Go over Chris fitz Hardy Report ?

Dave

I should have everything except possibly your letter to Chris. Just send it by e-mail or whatever is easier for you.

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Tuesday, January 09, 2007 10:29 AM
To: 'Brad Little'
Subject: RE: Go over Chris fitz Hardy Report ?

Brad;

Can I send you copies of ;

By E-mail or courier ?

- A Chris's report
- B Copies of Mr.Hun's Patent
- C Copies of our previous Report of Chris 2005
- D Copies of my letter to Chris
- E Copies of my Application
- F Copies of Blake Patent

Or anything else

Dave Drummond

From: Brad Little [mailto:jblittle@cogeco.ca]
Sent: Monday, January 08, 2007 5:00 PM
To: 'David Drummond'
Subject: RE: Go over Chris fitz Hardy Report ?

Hi Dave

I'm sorry. I thought I had already done it. My workload must be worse than I thought. I will definitely do it this weekend. If you could send me a reminder on Friday that would be great

Brad

3/21/2008

Dave D

From: Brad Little [jblittle@cogeco.ca]
Sent: Tuesday, January 16, 2007 4:40 PM
To: 'David Drummond'
Subject: RE: 2007_01_16_10_32_47.pdf

Hi Dave

Sorry for the delay in getting to this. I have been caught up in something that has completely consumed my time. I now have the time to deal with this. I will have an answer to you in a day or 2. Please remind me tomorrow since I am behind on various things, but this is a priority.

Thanks

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Tuesday, January 16, 2007 9:45 AM
To: Brad Little
Subject: 2007_01_16_10_32_47.pdf

Brad;

The way I see it ;

You can not help me to answer Chris's and that may be all you can do please confirm if this is the case because we have until Feb. 2nd 2007 !! 17 days or less ,then the whole thing is a goner ?

Dave D.

3/21/2008

Dave D

From: Brad Little [jblittle@cogeco.ca]
Sent: Sunday, January 21, 2007 7:37 PM
To: 'David Drummond'
Subject: RE: Any time on Chris's rebuttle

Hi Dave

Sorry for the delay in getting back to you. I've been sick. Cutting back the number of pages and/or number of embodiments does nothing at this point. The only task at hand is convincing the Examiner that some claims are allowable.

I'll try to get something done this evening.

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Friday, January 19, 2007 9:16 AM
To: Brad Little
Subject: Any time on Chris's rebuttle

Brad;

My brother is going over Chris's letter and he thinks that we should cut ours back from 52 pages to about 25 pages and the parts to be deleted are the car gas tank items, the different caps to the jerry cans etc and make it or go back and simplify it like the Flow and Go ?

He feels that our application is trying to cover too much and Chris wants us to stick to the pump and even leave out "with one hand and one foot" actually back to the original, I think this would be counter effective ? ?

Brad, days will be into hours shortly and its 5 years down the tube.

Dave

3/21/2008

Dave D

From: Brad Little [jblittle@cogeco.ca]
Sent: Tuesday, January 23, 2007 5:15 PM
To: 'David Drummond'
Subject: RE: response

Hi Dave

I've been sick for the past few days. I'll have a response to you in the next couple of days.

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Monday, January 22, 2007 2:34 PM
To: 'Brad Little'
Subject: RE: response

Brad;

The response to Hau and Blake are correct now the other objections answered in the proper way .

Dave

From: Brad Little [mailto:jblittle@cogeco.ca]
Sent: Sunday, January 21, 2007 9:14 PM
To: 'David Drummond'
Subject: response

Hi Dave

The Examiner (Chris) has basically stated that Mr. Hau teaches most of your invention but not all of it. Specifically, Mr. Hau does not have a foot operable pump means.

The Blake patent discloses a foot pump, but the only reason for the foot pump is so both hands can be washed. The Blake patent states "In this case, the foamable liquid 50 is a scrub solution and pressurized gas is provided by foot (or hand/arm, as shown in FIG. 3) actuating of a pedal type air pump 200 which can be operated as shown in FIG. 2 so that the personnel using the device can keep both hands free".

Therefore, I think that the Examiner has no real support to call this an obvious substitution, since the Blake patent states having both hands free when using a foot pump.

Does this make sense to you?

Thanks

Brad

3/21/2008

APPOINTMENT OF A NEW AGENT

I, David Carl Drummond, whose full post office address is 115 South Cover Rd., Brookfield, Nova Scotia B2N 1C0, with respect to my Canadian Patent Application No. 2,433,952 of July 11, 2003 for an invention entitled "Positive Pressure Liquid Transfer and Removal System Configured for Operation by a Hand and by a Foot", hereby appoint MacRae & Co., whose full post office address is P.O. Box 806, Station B, Ottawa, Ontario, Canada K1P 5T4 and who carries on business in Canada at 222 Somerset Street West, Suite 600, Ottawa, Ontario, Canada K2P 2G3, as my agent in respect of the said application, with full power to appoint an associate agent when required to do so and to revoke such appointment, to amend the specification and drawings, to prosecute the application, and to receive the patent granted thereon.

Signed at Brookfield NS this 23 day of January 2007

By David Carl Drummond
David Carl Drummond

Accepted

MacRae & Co.

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----- Original Message -----

From: David Drummond
To: Wayne Rock
Sent: Wednesday, January 24, 2007 3:46 PM
Subject: 2007_01_24_16_01_55.pdf

Wayne;

Thank you for reviewing my info concerning the pump & Fill Application. I am amazed at the precise evaluation of Chris Fitz Hardy's position and I fully understand all points in your letter. I am deeply disappointed with the remote position of Brad Little under these circumstances" I feel like I was hung out to dry " not even a slight effort from him to respond and I requested help 6 months ago ?

All I can do now is hope for the best and work with you in anyway that I can, here are answers to your questions;

Yes we make the nozzle handle and we designed it from scratch with the feature that the trigger is pivoted from one end and the other end puts pressure on the plunger thus allowing fluid to flow at what ever volume that is required. The safety feature is that it takes a good force to start the flow and restricting a young child from accidentally operating the nozzle if left in a non supervised location.

I have e-mailed you paper where we show the dies for each nozzle component required,also where we had an application for the stopper in Canada and I hope USA ? I am also forwarding paper showing that I had paid for US protection which at this moment I'm not sure that I received ? It will come to you by Fax.

I am totally appreciative for your help.

Dave

3/20/2008

Dave D

From: Brad Little [jblittle@cogeco.ca]
Sent: Thursday, February 01, 2007 11:47 PM
To: 'David Drummond'
Subject: patent
Attachments: 074 SC-08-CA RESPONSE 2.doc

Hi Dave

Here is the response I am suggesting you send to Chris Fitz-Hardy at the Canadian Patent Office. It can be submitted by facsimile. Just to make sure that it prints out okay, please print it out and fax it to me at 905-901-3135. In the previous response, there were some problems switching between WordPerfect and WORD and I want to make sure they don't happen again.

Also, we are supposed to inform the Canadian Patent Office if we have received anything from any other patent office. Have you received anything from the U.S. Patent Office recently?

Thanks

Brad

10/11/2007

Dave D

From: Wayne Rock [wrock@macrae.ca]
Sent: Friday, April 27, 2007 10:01 AM
To: David Drummond
Subject: Re: 2007_04_26_14_02_02.pdf

David:

I have asked our US associate for an update on this investigation and will let you know when I have a reply.

Wayne

----- Original Message -----

From: David Drummond
To: Wayne Rock
Sent: Thursday, April 26, 2007 1:04 PM
Subject: 2007_04_26_14_02_02.pdf

Wayne;

Was there any response back from the US Agent regards to my US Patent Application ?

Dave

3/20/2008

Dave D

From: Wayne Rock [wrock@macrae.ca]
Sent: Tuesday, May 08, 2007 10:52 AM
To: David Drummond
Subject: Re: US Application

David:

My recollection is that we had serial numbers for the first and second applications - an indication that they were filed in the USPTO. I still have not heard from our US associate with respect to his investigations, so I will prompt him with another email right now.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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----- Original Message -----

From: David Drummond
To: Wayne Rock
Sent: Tuesday, May 08, 2007 9:24 AM
Subject: US Application

Wayne;

Would I be right in presuming that Brad Little did not present my first and second applications to the US Patent Office because I would think that it would be public information .

Dave

3/20/2008

Dave D

From: David Drummond [davidd@fundygrinding.com]

Sent: Thursday, May 17, 2007 3:41 PM

To: Wayne Rock

Subject: P & F / U S Application

Wayne;

Did you hear anything back from your US Associate and would you recommend that I approach Brad if he received documents that show that P & F Applications have been filed, and in the process of being evaluated ?

Dave

3/20/2008

Dave D

YES
BRAD

From: David Drummond [davidd@fundygrinding.com]
Sent: Friday, May 18, 2007 11:28 AM
To: Gordon Drummond
Subject: FW: P & F / U S Application

From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Thursday, May 17, 2007 5:13 PM
To: David Drummond
Subject: Re: P & F / U S Application

Dave:

I am still waiting to hear from our US associate on their investigations. It appears that my initial email enquiries might have gone astray, or were not delivered appropriately. I know that we have had some issues with email communications from me to him. I hope to hear something before long.

It probably would not hurt to ask Brad about the situation, including all of the applications that apparently were filed in the USPTO. I would be interested in his reply.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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----- Original Message -----

From: David Drummond
To: Wayne Rock
Sent: Thursday, May 17, 2007 2:41 PM
Subject: P & F / U S Application

Wayne;

Did you hear anything back from your US Associate and would you recommend that I approach Brad if he received documents that show that P & F Applications have been filed, and in the process of being evaluated ?

Dave

3/20/2008

From: Brad Little [mailto:jblittle@cogeco.ca]
Sent: Friday, June 01, 2007 5:41 PM
To: 'David Drummond'
Subject: RE: 2007_06_01_12_26_35.pdf

Hi Dave

I don't see the patent application on the U.S. database. Can you send me anything you've received from them for the foot and hand pump application?

Thanks

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Friday, June 01, 2007 1:27 PM
To: Brad Little
Subject: 2007_06_01_12_26_35.pdf

Brad;

I have been very patient concerning the Chris Fitz Hardy's issues and did not receive a fare shake from you concerning putting in an honest effort to dispute his findings because you were too busy but the clock was ticking so I resorted to get help from a Patent Agent at the eleventh hour and the one liner you came up with was not going to cut it! Now the Agent can not find info on my US Application so I feel it only right that you should chuck in some time and find out what is the status of these Applications ?

Brad I did pay you for this service and to date I am in the dark and feel that you now have bigger fish to fry and that is not fitting well with me. I did pay you everything that I owed you and also paid off Evon for all his services only being a little late in paying because I did not receive one cent to this day from that product manufacturer. I am wanting a Canadian or U S Patent Pump & Fill if that is at all possible and remember you over looked the Mr.Hau Patent which was so critical and in hindsight made this whole exercise a waste of time and money, you owe it to me to find the information on the US Application. At this moment I have in excess of \$80,000 and for you to screen my call and answer the ones you want leave me waiting on the other is totally unfare.

Please respond

Regards

Dave Drummond

From: Brad Little [mailto:jbittle@cogeco.ca]
Sent: Wednesday, June 13, 2007 3:13 PM
To: 'David Drummond'
Subject: RE: US Patent Application No. 10/846692 (Mobile Load Support); Our file: 490-7

Hi Dave

The only thing I have is the filing receipt for the patent application (attached). The patent application should be on the USPTO web site.

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Tuesday, June 12, 2007 3:41 PM
To: Brad Little
Cc: Gordon Drummond
Subject: FW: US Patent Application No. 10/846692 (Mobile Load Support); Our file: 490-7

Brad;

Enclosed please find confirmation of my U S Patent and find it very strange that we can not find the Pump & Fill Application.

I would think that you would be more than helpful for us to find this Application and give us your help.

I am asking you to take some time and solve this issue.

Dave Drummond

From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Friday, June 08, 2007 5:34 PM
To: David Drummond
Subject: US Patent Application No. 10/846692 (Mobile Load Support); Our file: 490-7

Dear Dave:

Good news for the weekend!

I today received your US patent from our US associate and will be mailing it to you next week. It is US Patent Number **7,213,820** and it issued on May 8, 2007. The patent can be viewed at the USPTO's website.

If you have any questions regarding the US patent please let us know.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/617,267	07/11/2003	3751	0.00	DD-08-US	24	21	6

CONFIRMATION NO. 2423

DAVID CARL DRUMMOND
C/O #33 - 2280 MUNN'S AVE
OAKVILLE, ON L6H 3L1
CANADA

FILING RECEIPT



OC000000011007141

Date Mailed: 10/08/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David Carl Drummond, Truro, CANADA;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/426,879 11/18/2002
and is a CIP of 10/388,365 03/14/2003

Foreign Applications

CANADA 2,420,624 01/24/2003

If Required, Foreign Filing License Granted: 10/08/2003

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Positive pressure liquid transfer and removal system configured for operation by a hand and by a foot

Preliminary Class

141

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Bill Blake

From: "Karen Robertson" <krobertson@jonestullarcooper.com>
To: "Wayne Rock" <wrock@macrae.ca>
Cc: "Bill Blake" <mail@jonestullarcooper.com>
Sent: Tuesday, June 26, 2007 9:37 AM
Subject: Re: Drummond files

Wayne:

I have the copies of file histories of U.S. 10/617,267 and 60/509,331.

U.S. Patent Application No. 10/617,267 is abandoned. A Notice to File Missing Parts was mailed 10/08/2003 to:

David Carl Drummond
C/O #33 - 2280 Munn's Ave
Oakville, ON L6H 3L1
CANADA

No reply was received and a Notice of Abandonment was mailed 10/20/2004 to the same address.

There is a "Voluntary Amendment" dated July 27, 2005 submitting formal drawings signed by David Drummond. There is also a note in the file from David Drummond dated May 29, 2006, date stamped by the PTO on July 7, 2006 requesting the status of the application.

Also, of the four files we have, only 60/426,879 indicates that the filing fees were paid. The other three files indicate that the checks listed on the transmittal pages were not received by the PTO. I will send these out this afternoon via regular mail unless I hear from you otherwise.

Karen

----- Original Message -----

From: Wayne Rock
To: Karen Robertson
Sent: Thursday, June 21, 2007 2:11 PM
Subject: Re: Drummond files

Hi Karen:

You might as well wait to send all of the copies together - mail is fine. I guess the most important question at this time is the status of the non-provisional applications, and the identification of the correspondant for these cases. Has the USPTO been writing to Mr. Drummond or to someone else?

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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----- Original Message -----

From: Karen Robertson

To: Wayne Rock

Sent: Thursday, June 21, 2007 11:33 AM

Subject: Drummond files

Wayne-

We have obtained copies of the files of 60/426,879 and 10/388,365. We should have the other two by Monday.

Do you want me to hold these until the other two are ready or go ahead and send them? If you want me to send them, please indicate whether you want regular mail or Fed Ex.

Thanks,

Karen

Jones, Tullar & Cooper, P.C.

P.O. Box 2266

Eads Station

Arlington, VA 22202

(703) 415-1500

From: Brad Little [mailto:jblittle@cogeco.ca]
Sent: Friday, June 29, 2007 12:18 PM
To: 'David Drummond'
Subject: RE: Your earlier US patent applications

Hi Dave

I'll get back to you later on today.

Brad

From: David Drummond [mailto:davidd@fundygrinding.com]
Sent: Wednesday, June 27, 2007 9:26 AM
To: Brad Little
Cc: Wayne Rock
Subject: FW: Your earlier US patent applications

Brad;

Please review the enclosed and give me your response, all the applications have been to your address and there was fees not paid to the USPO but I forwarded you funds to cover correct? Please forward a letter that will to support the reopening and explaining why we like to revive those Applications.

Waiting for your response

Dave Drummond

From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Wednesday, June 27, 2007 9:34 AM
To: David Drummond
Subject: Your earlier US patent applications

David:

I have email replies from our US associate respecting the two provisional and two regular applications filed in the USPTO. The two regular applications became abandoned through a failure to provide the Office with "missing parts". The report with respect to US 10/388,365 is as follows:

"U.S. Patent Application No. 10/388,365 is abandoned.

A Notice to File Missing Parts was mailed 05/12/2003 to:

*David Carl Drummond
C/O #33 - 2280 Munn's Ave
Oakville, ON L6H 3L1
CANADA*

No reply was received and a Notice of Abandonment was mailed 02/11/2004 to the same address.

There is a "Voluntary Amendment" dated July 27, 2005 submitting formal drawings signed by David Drummond. There is also a note in the file from David Drummond dated May 29, 2006, date stamped by the PTO on July 7, 2006 requesting the status of the application."

We have essentially the same report for application 10/617,267.

Our associate also provided an observation with respect to the four applications and the fees paid to the USPTO, as follows:

"Also, of the four files we have, only 60/426,879 indicates that the filing fees were paid. The other three files indicate that the checks listed on the transmittal pages were not received by the PTO. I will send these out this afternoon via regular mail unless I hear from you otherwise."

Finally, if you have a desire to resurrect either or both of the regular applications 10/388,365 and/or 10/617,267 it would appear possible to petition for revival on the basis of "unintentional" abandonment. Action would have to be taken as quickly as possible, to show diligence in proceeding promptly after finding out about the abandonment. There is a government fee of \$750 US for each petition for revival. When petitioning for revival it would be necessary to take all action and to pay all fees that had previously been required, and the failure to attend to which resulted in the abandonment. There would be charges from our associate to take over the case(s) and to prepare and submit the necessary petition(s). We would also encounter charges for co-ordinating the project on your behalf - no idea at the moment as to what the service charges would be.

Our associate has acquired a copy of the file history for each of the applications and is forwarding same to us by mail. I will report further to you once that material has come to hand. At that time I may be able to provide more complete comments on the state of affairs in these cases.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Friday, July 06, 2007 3:02 PM
To: David Drummond
Subject: Your earlier US patent applications

Dear David:

This is further to our discussion of yesterday and will summarize the information that I have gleaned from the copies of your 4 previous US patent applications forwarded to us by our US associate. You will recall that we are dealing with two US provisional patent applications and two regular patent applications. The situations are as follows:

A) US Provisional 60/426879: (Pressure Operable Liquid Pumping System)

The application was submitted with your letter of November 12, 2002 and obtained a filing date of November 18, 2002. The provisional application would have expired at the end of 12 months from the filing date, as with all provisional applications.

B) US Provisional 60/509331: (Flow-Through Stopper for Liquid Containers)

The application was submitted with your letter of October 6, 2003 and obtained a filing date of October 10, 2003. On December 12, 2003 the USPTO wrote to you at the Oakville address forwarding a "Notice to File Missing Parts", indicating that the filing fee of \$80.00 US did not accompany the original filing letter. The Notice also asked for a surcharge of \$25.00. There was no further correspondence. Apparently the requested funds were not provided.

C) Regular US Application 10/388365: Pressure Operable Liquid Pumping System)

The application was submitted with your letter dated December 3, 2002 but apparently it was mailed only in March, since the filing date is the date of receipt - March 14, 2003. On May 12, 2003 the USPTO wrote to you at the Oakville address forwarding a "Notice to File Missing Parts", indicating that the filing fee of \$375.00 US did not accompany the original filing letter. The Notice also asked for a surcharge of \$65.00 and a claims surcharge of \$9.00. The Notice also asked for better quality drawings. The Notice set a 2-month deadline, but apparently there was no reply. On February 2, 2004 the USPTO mailed a Notice of Abandonment to you at the Oakville address. The file shows a copy of your voluntary submission dated July 27, 2005 providing new drawings and a copy of your memo of May 29, 2006 enquiring into the status of the application. There was no further correspondence.

D) Regular US Application 10/617267: Positive Pressure Liquid Transfer and Removal System configured for Operation by a Hand and by a Foot)

The application was submitted with your letter dated July 2, 2003 and received a filing date of July 11, 2003. On October 8, 2003 the USPTO wrote to you at the Oakville address forwarding a "Notice to File Missing Parts", indicating that the filing fee of \$385.00 US did not accompany the original filing letter. The Notice also asked for a surcharge of \$65.00 and a claims surcharge of \$135.00. The Notice set a 2-month deadline, but apparently there was no reply. On October 20, 2004 the USPTO mailed a Notice of Abandonment to you at the Oakville address. The file shows a copy of your voluntary submission dated July 27, 2005 providing new drawings and a copy of your memo of May 29, 2006 enquiring into the status of the application. There was no further correspondence.

The two regular applications are abandoned through failure to respond to the respective Notices to File Missing Parts, i.e. through failure to pay the filing fees, including the claims surcharges, as well as the late-payment surcharges. The abandonment situations could have been avoided if the fees had been paid. There was a suggestion in your original submission letters that the fees were included therewith, however each copy of the submission letter carries a stamp to the effect that the PTO did not receive the funds.

In the United States there is a provision for revival of a patent application that became unintentionally abandoned. It would be necessary to petition promptly for revival, to provide a summary of the chronological events that resulted in the abandonment as well as the steps taken once the abandonment was discovered, to pay the fees that were not paid, and to pay a petition fee of \$750 US. If we are to attempt to revive the last application I believe that you will be looking at official fees of at least \$1335 US, along with charges to be levied by our US associate and ourselves. As I indicated during our conversation I can see costs in the area of \$3000 (or more) to revive the application.

I understand that you are interested in reviving this case and that you will be searching your computer records for copies of email correspondence with Brad Little. That correspondence will likely be necessary to support a petition to revive, as evidence that you did not intend to abandon the application.

I trust that this summary will be useful to you. I will be forwarding the copy of applications A, B and C as received from our associate with a copy of this message, as well as with our invoice covering services to date. I will retain the copy of D until the revival question has been resolved.

If you have any questions please let me know.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Friday, July 27, 2007 2:25 PM
To: David Drummond
Subject: Re: 2007_06_01_12_26_35.pdf

Dave:

Just to let you know that your courier package arrived about 45 minutes ago. I have only briefly looked at the material (thanks for the cheque). I am off for a week's vacation, back on August 7. If possible I may take your stuff with me to see if I can come up with something as I languish by the lake.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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----- Original Message -----

From: David Drummond
To: Wayne Rock
Cc: nicole goudbout
Sent: Wednesday, July 25, 2007 2:24 PM
Subject: 2007_06_01_12_26_35.pdf

Wayne;

I have sent you today by courier a few things that we were talking about and also as part of this e-mail money I personally spent to Brad Little for services charged and does not seem have been delivered ?

I will attempt to make up a letter listing the reasons that I left the U S Application lapse and the Chris Hardy thing at the end of August is going to be difficult, Brad notes in his email I have sent to you a brief reason of defence ?

Dave

From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Friday, September 14, 2007 4:04 PM
To: David Drummond
Subject: Re: Discovery and US and Canadian Patent applications P

David:

I have not forgotten about you and this situation. In fact, every time I go through my emails and see your name I feel guilty that I have not had a chance to address the issues as they stand. I promise to provide my analysis as soon as possible.

I am still concerned that it will be very expensive to try to resurrect the US Flow and Go application and that even if successful we will thereafter have a fair bit of difficulty in persuading a US examiner that the invention is patentable, given our problems in the Canadian case. That said, I will work on the analysis and get back to you shortly.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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----- Original Message -----

From: David Drummond
To: Wayne Rock
Sent: Friday, September 14, 2007 2:57 PM
Subject: Discovery and US and Canadian Patent applications P

Wayne;

Are you free to check for the Applications? Ron Chisholm is a Lawyer and the third party with Flow and Go and the party who used my handle drawing. Could they have got it from the patent Office after I filed it back in 2003 instead of from the Discovery in March ,2003 ? Can you prepare to write up a defense to go to the US Patent Office to try and reinstate my Patent Application ?

Let me know when you have a moment

Dave

From: Wayne Rock [mailto:wrock@macrae.ca]
Sent: Monday, October 01, 2007 10:27 AM
To: David Drummond
Subject: US Patent Application No. 10/617267

Dear Dave:

I am replying to your various email messages concerning the US patent application for the foot-operated fluid transfer system. I apologize for the delay in getting back to you.

In order to revive the US application, currently in a state of abandonment for a failure to reply to the Notice to File Missing Parts dated October 8, 2003 we will have to establish that the abandonment was unintentional and that steps have been taken to meet the requirements of the Notice. To that end I have drafted an affidavit in support of your request to revive the application and that draft is attached hereto for your review. I have attempted to follow the events as they occurred but I am unsure as to whether I have captured everything - I suspect there may be some gaps or incorrect statements and I would need your input and critical review to make sure that it properly reflects the events.

I believe that we should include some additional material describing how you came to enlist Brad Little's services, including why you chose to work with him rather than a registered patent agent. I also believe that we should more fully describe the mechanism by which correspondence was to be sent to the respective Canadian and US patent offices, to make it clear as to where these offices were intended to send their correspondence. I believe that we should also include some statements as to the number of, and dates of, your enquiries to Brad Little as to the status of your applications. I do not find much relating to such enquiries in the material that we have.

You should bear in mind that an attempt to revive the US application will not be inexpensive. There is the petition fee of \$750 US, the fee of our US associate to review the submission and to make it on your behalf, and our charges for reviewing the material, preparing this affidavit, etc. I would not be surprised if the cost were to be in the area of \$4000 to \$6000 (only a ballpark estimate). If successful, we would then have to eventually deal with whatever objections a US examiner might come up with. I would not be surprised if the US examiner were to take a position similar to that of the Canadian examiner, meaning that we would have to restrict our claims and argue strenuously in favor of patentability. Fortunately, we can extract much of that material from the Canadian case to address whatever objections the US examiner might impose. I can see costs in the area of \$1000 to \$2000 to address issues raised by a US examiner and, if we are successful, further costs in the area of \$1500 or so to achieve issuance of a US patent (paying the issue and printing fees, etc). The question, which only you can answer, is whether these costs are worth it in the long run.

Please review my draft affidavit and let me know your thoughts on the contents thereof. For your information, I am away from the office all of next week.

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4

Tel: 613-234-3559
Fax: 613-234-3563

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Bill Blake

From: "Wayne Rock" <wrock@macrae.ca>
To: "Bill Blake" <wablake@jonestullarcooper.com>
Sent: Thursday, November 22, 2007 3:29 PM
Attach: 491-0 - affidavit.pdf
Subject: David Drummond and US Patent Application 11/617,267 (abandoned)

Dear Bill:

You may recall that a few months ago you had obtained for David Drummond copies of the USPTO files for 2 provisional and 2 utility patent applications that had become abandoned several years ago. We are looking into the possibility of attempting to revive one of the utility patents on the grounds of unintentional abandonment. To that end I have drafted an affidavit in support of Mr. Drummond's petition to revive and I am attaching a copy thereof to this message with a request that you have a look at it and let us know whether you think it will "fly" and help obtain revival. One of my concerns is whether we should have additional exhibits beyond the one that I mention in paragraph 35. If you have any suggestions or "tricks of the trade" that could improve Mr. Drummond's chances we would like to receive those from you.

Needless to say, the final version will fully identify the application and will be sworn before a Notary Public in Nova Scotia (should it be legalized at, for example, a US consulate?). At the moment I am most concerned with the nature of the content and its presentation.

I look forward to hearing from you - I trust that you had a great Thanksgiving holiday and are full of turkey and football!

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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Email sent January 16, 2008

Dear Wayne, Kevin and David,

Sorry for the delay in responding- we have been exceedingly busy with hard deadline cases over the holidays.

Such interferences obviously do not constitute any kind of intentional delay in David's case. For the record though, I needed to check into the rules further to verify what fees need to be paid. My conclusion is that the filing fees as of right now are the ones that we pay.

I also needed to draft a power of attorney to make sure no more correspondence goes to the previous correspondence address, which I understand belongs to an acquaintance of David's who is not a registered agent or attorney.

The original petition that David executed last month also had some minor errors which I have corrected.

Attached are two PDF files. One is the Power of Attorney which gives our firm (identified by Customer No. 23294) power to act on the application and directs all correspondence to us as well. The other is the revised petition.

The attached Word file is the Reply I will file with the other papers.

David- please sign **and date** both PDF forms in the spaces provided (**do not sign** the certificate of mailing section at the bottom of page 2 of the petition). Then scan and email them back to me for submission with the Reply, which I have already electronically signed.

On the issue of interference, yes one could occur if the claimed inventions are arguably the same. However, I have not had a chance to look in to that in detail at this point. I can do so if you like, but we need to get by the petition stumbling block first.

Regards,

Bill Blake
Jones, Tullar & Cooper, PC
2001 Jefferson Davis Highway, Suite 1002
Arlington, VA 22202
703-415-1500
703-415-1508 (fax)
703-413-2545 (direct)
email: wablake@jonestullarcooper.com

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----- Original Message -----

From: Wayne Rock

To: Bill Blake

Cc: David Drummond

Sent: Friday, December 28, 2007 2:33 PM

Subject: David Drummond and Revival

Hello Bill:

Just curious as to how things are going with the revival submission respecting Dave Drummond's US patent application 10/617,267.

Related to that question is one pertaining to US applications filed by a direct competitor, also from the same area of Nova Scotia as Dave Drummond. In fact, there is perhaps some concern as to some "skullduggery" in that there is a possibility that the other people may have spirited off with some of Dave's designs. These competitors (Sceptre Corporation) have filed several US patent applications and have achieved at least a couple of US patents, in particular Nos. 6412528 and 7219693. We have some concern as well respecting pending applications nos. 10/549,786; 10/851,669 and 10/851,668. The first application is of more concern than the others given the appearance of the nozzle shown in the drawings and the resemblance to Dave's nozzle. Could we be looking at an interference situation assuming that Dave's application is revived successfully? Dave has, for example, priority dates earlier than the PCT filing date of the US application.

We look forward to hearing from you at your convenience. Note that after next Monday Kevin O'Brien will be overseeing Dave's cases.

Happy New Year!!!

Regards

Wayne

H. Wayne Rock
MacRae & Co.
P.O. Box 806, Station B
Ottawa ON
Canada K1P 5T4
Tel: 613-234-3559
Fax: 613-234-3563

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Bill Blake

From: "Dave D" <davidd@fundygrinding.com>
To: "Bill Blake" <wablake@jonestullarcooper.com>
Sent: Thursday, March 13, 2008 10:00 AM
Subject: RE: Any notification or response to reinstatement

Bill;

Yes we will follow through and I will help to fill in the gaps, and I will personally appreciate everything you can do to get us back on track.

I am going to forward separately a copy of a notice letter that my Lawyer has sent to Brad Little my patent consultant.

today's e-mail very tough news and the hard work getting my Canadian Patent is really useless without the support of the American Patent.

Thank you for the work so far.

Please follow up with the examiner.

Regards

Dave Drummond

From: Bill Blake [mailto:wablake@jonestullarcooper.com]
Sent: Thursday, March 13, 2008 12:02 AM
To: Kevin O'Brien; Dave D
Subject: Re: Any notification or response to reinstatement

Dave,

Yes, the decision (attached) came in several days ago, but I had not had a chance to review it until now.

As we suspected would happen, the petition has been dismissed. The petition does set forth the details of what you must show in a declaration and other evidence to establish why the extensive delay has occurred.

The petition actually invites us to contact the petitions examiner, who I am sure will help guide us on how to respond. The big problem is the 4 year time period since abandonment. Note, the decision stresses that the entire delay must be shown to be unintentional, so you have to be very specific about your "intent" during the entire time, including after you discovered that application was in fact abandoned. For example, we need to specify the date when you became aware that the application was indeed abandoned (sometime last summer I

believe). It was November when I received an email from Wayne stating you wanted to proceed with revival. As busy as we all are, that is not excessive delay in and of itself, but we have to do our best to explain each gap in action between November 2003 and Jan 16, 2008, the filing date of the petition.

Your proposed affidavit that Wayne sent me last November is a good start but needs more detail regarding the time line of everything.

Before we go further, I note that this response could get costly, e.g. \$5000 or more. Also, any delay beyond one year is considered questionable so there is a strong likelihood we will not prevail.

Assuming you want to proceed further, I think the first thing I should do is contact the petition's examiner and run the summary of what happened here by him. His comments should give us a good idea as to whether this is worth proceeding with further and if so, what type of detailed info we need to provide.

Please review and comment. Note, we have two months to respond, which can be extended if needed.

Regards,

Bill

----- Original Message -----

From: Dave D

To: 'Bill Blake'

Sent: Wednesday, March 12, 2008 10:40 AM

Subject: FW: Any notification or response to reinstatement

Bill;

Have you received an acknowledgement letter from the Patent Office concerning our reinstatement request ?

Respond when you have a chance.

Regards

Dave Drummond

April 8, 2008

Bill and Kevin;

This does not help my cause now we are trying to find out if Brad had any legal issues against due to his services offered ?

Regards

Dave Drummond

From: Bruce Matthews [mailto:bmatthews@peo.on.ca]
Sent: Monday, April 07, 2008 7:21 PM
To: Dave D
Cc: William Hui
Subject: RE: William Hui suggested to send documents to you

Dear Mr. Drummond,

J. Bradley Little used to be a licensed professional engineer, but his licence lapsed for non-payment of fees in May 1999. Since the conduct in question post-dates the lapsing of his licence, PEO has no authority or jurisdiction to get involved in the circumstances you have described. You would not be able to file a complaint against Mr. Little. Mr. Little's patent consulting services do not appear to constitute the practice of professional engineering. In the documents you provided, Mr. Little does not refer to himself as a professional engineer.

It would appear that you would have to seek remedies through the civil courts. You may wish to consult a lawyer regarding a potential lawsuit.

Regards,

Bruce G. Matthews, P.Eng.
Manager, Complaints & Discipline
Regulatory Compliance
Professional Engineers Ontario
25 Sheppard Avenue West, Suite 1000
Toronto, ON M2N 6S9
T. (416) 840-1076 (direct line) or (800) 339-3716 ext. 1076
F. (416) 224-9974 or (800) 268-0496
Email: bmatthews@peo.on.ca
www.peo.on.ca

From: Dave D [mailto:davidd@fundygrinding.com]
Sent: Friday, April 04, 2008 3:54 PM
To: Bruce Matthews
Cc: Gordon Drummond
Subject: William Hui suggested to send documents to you

Dear Mr. Matthews;

I am trying to find out if Mr. Bradley Little is a Professional Engineer in good standing. I paid Mr. Little a lot of money to do my Patent work

and to my surprise and total disappointment found out by another Patent Agent that my Patent Applications were abandoned back in 2003 due

to Mr. Little did not forward the filing fees amounting to a very small amount of money. Mr Little invoiced me for this service and I paid him the

money by cheque for the fees as well as his service fees listed separately. Mr. Bradley Little did two wrongs, one he kept the filing fees money

and he cost me \$14,000 for his services plus the possibility that I can no longer be reinstated and loose out on obtaining a U S Patent on my

Invention. I went to another Patent Agent in early 2007 after I feel that I was not hearing back about my U S Applications. Mr. Little kept me in the

Dark because he had his address down for me and received all the applicable correspondence from the U S Patent Office.

If you could do a background search to see if the P Engineer is valid ?

Thanking you in advance

Regards

David Drummond

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Bill Blake

From: "Dave D" <davidd@fundygrinding.com>
To: "Bill Blake" <wablake2@verizon.net>
Cc: "Gordon Drummond" <grampygordon@hotmail.com>
Sent: Tuesday, April 15, 2008 10:27 AM
Subject: a Smoking Gun

Bill;
April 15, 2008

I came across two files which show Bradley Little working with Yvon Crispin on my drawings in 2005 / 06 and / 07 as if there was nothing had happened,

Yes I am starting to think Bradley Little did not knew the U S Patent Procedure and / or he was paid off and was playing the part ? I am not sure how much

you want by e-mail we will be sending you copies in the Booklet this week. This is very interesting and came across this info while trying to make every moment

count and turned over every stone in my possession.

Regards

Dave Drummond

-----Original Message-----

From: Nicole Godbout [mailto:NGodbout@boyneclarke.ns.ca]
Sent: Tuesday, May 13, 2008 9:27 AM
To: Dave D
Subject: RE: Letter to Bradley Little

Hello Dave

Yes, the letter via Registered Mail was returned to me and I have the original. I did not send via courier. I will send the original out to you.

I should have information on Brad Little from the skip trace shortly.

Nicole E. Godbout
Boyne Clarke
P.O. Box 876, Dartmouth Main
Halifax, NS B2Y 3Z5
Tel: 902-469-9500
Fax: 902-463-7500
Email: ngodbout@boyneclarke.ns.ca
<http://www.boyneclarke.ca>

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>>> Dave D <davidd@fundygrinding.com> 5/12/2008 1:18 PM >>>
Nicole;

The US Patent Attorney Bill Blake would like the original copy of the letter you sent to Bradley Little for the purpose, to go in his claim text he made up to present to the United States Patent Office.

He also would like confirmation from you that the Registered mail

and
other Courier letter were returned to you. If you could send both today
I
will forward both to him.

Have you proceeded in finding about the background of Brad Little
and
finally Do I contact my Accountant to get the last two years Income Tax

Returns for Pump and Fill 2006 and 2007 where by the previous 2003 /
2004/
2005 I have and I am listed as a 50% partner.

Regards

Dave drummond

-----Original Message-----

From: Nicole Godbout [mailto:NGodbout@boyneclarke.ns.ca]
Sent: Friday, February 08, 2008 3:09 PM
To: davidd@fundygrinding.com
Subject: draft

Dave,
Please see attached draft letter to Brad Little for your review.

Also, repsecting investigating him in the Ontario courts, I am
proceeding with this.

Nicole E. Godbout
Boyne Clarke
P.O. Box 876, Dartmouth Main
Halifax, NS B2Y 3Z5
Tel: 902-469-9500
Fax: 902-463-7500
Email: ngodbout@boyneclarke.ns.ca

<http://www.boyneclarke.ca>

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-----Original Message-----

From: Heather Nause [mailto:HNause@boyneclarke.ns.ca]

Sent: Tuesday, May 13, 2008 3:14 PM

To: davidd@fundygrinding.com

Subject: Drummond, David (86840)

David,

I am writing to confirm that our February 27, 2008 letter addressed and forwarded via registered mail to Bradley Little was returned unopened and marked ""RTS". Attached is a copy of the returned envelope.

Regards,

Heather M. Nause
Legal Assistant to both
Nicole E. Godbout & Brian P. Casey
Boyne Clarke
Barristers & Solicitors
33 Alderney Drive, Suite 700
P.O. Box 876
Dartmouth, NS B2Y 3Z5

Tel: 902-469-9500 ext. 117

Fax: 902-463-7500

Email: hnause@boyneclarke.ns.ca

<http://www.boyneclarke.ns.ca>

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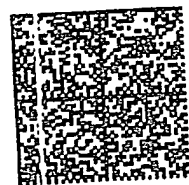
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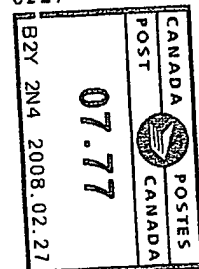
1. Bradie L. Liff, B.A.Sc., P.Eng.
33-2280 N. Main Avenue
Oakville, ON L6H 3Z7

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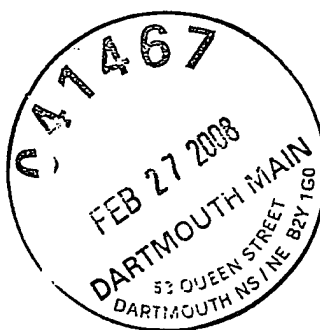
PE031 1729792
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0227 110743



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FILE REFERENCE: 86840
DELIVERY VIA: REGISTERED MAIL

Nicole E. Godbout
Direct Dial: (902) 460-3465
Facsimile: (902) 463-7500
E-mail: ngodbout@boyneclarke.ns.ca

February 27, 2008

J. Bradley Little, B.A.Sc., P.Eng.
33-2280 Munn's Avenue
Oakville, ON L6H 3L1

33 Alderney Dr.
Suite 700
Dartmouth, NS
Canada

Dear Mr. Little:

Re: David Drummond

We are solicitors for David Drummond.

CORRESPONDENCE
P.O. Box 876,
Dartmouth Main
Halifax, NS
Canada B2Y 3Z5

TEL: (902) 469-9500
FAX: (902) 463-7500
www.boyneclarke.ns.ca

You were retained in 2002 by Mr. Drummond for the purposes of assisting with the several patent applications on his behalf. In particular, you were retained by Mr. Drummond to file, on his behalf, the following:

1. US Provisional 60/509331: (Flow-Through Stopper for Liquid Containers);
2. Regular US Application 10/388365: Pressure Operable Liquid Pumping System; and
3. Regular US Application 10/617267: Positive Pressure Liquid Transfer and Removal System configured for Operation by a Hand and by a Foot.

US Provisional 60/509331

The application was submitted on October 6, 2003, and a filing date of October 10, 2003 was obtained. On December 12, 2003, the USPTO wrote to your address forwarding a "Notice to File Missing Parts" indicating that the filing fee of \$80.00US did not accompany the original filing letter. The Notice also asked for a surcharge of \$25.00. The requested funds were apparently not provided.

Regular US Application 10/388365

The application was submitted by letter dated December 3, 2002, but was only mailed in March. The filing date is marked March 14, 2003. On May 12, 2003, the USPTO wrote to your address forwarding a "Notice to File Missing Parts" indicating that the filing fee of \$375.00US did not accompany the original filing letter. The Notice also asked for a surcharge of \$65.00 and a claims surcharge of \$9.00. The Notice also



PL# 86840/1024623_2



asked for better quality drawings. The notice set a two-month deadline but apparently there was no reply. On February 2, 2004 the USPTO mailed a "Notice of Abandonment" to you. There was no further correspondence.

Regular US Application 10/617267

The application was submitted by letter dated July 2, 2003 and received a filing date of July 11, 2003. On October 8, 2003, the USPTO wrote to your address forwarding a "Notice to File Missing Parts" indicating that the filing fee of \$385.00US did not accompany the original filing letter. The Notice also asked for a surcharge of \$65.00 and a claims surcharge of \$135.00. The Notice set a two-month deadline, but apparently there was no reply. On October 20, 2004, the USPTO mailed a notice of abandonment to your address. There was no further correspondence.

Mr. Drummond provided you with cheques for the required filing fees. In fact, the correspondence submitted with the applications suggest that the filing fees are enclosed. It appears the filing fees were never received by USPTO and the applications were abandoned as noted above. As you are aware, Mr. Drummond inquired of you several times as to the status of his applications and you had responded that these applications take a long time but never advised him that, in fact, they had been abandoned and that you did not forward the fees that Mr. Drummond provided to you for the filing of those applications.

Please be advised that we require an accounting of the fees you received on behalf of Mr. Drummond and your response as to why these applications were not pursued on his behalf as you were instructed to do.

Mr. Drummond reserves the right to hold you responsible for any and all losses that he has suffered or may suffer as a result of your failure to act in accordance with your retainer.

We look forward to your early reply.

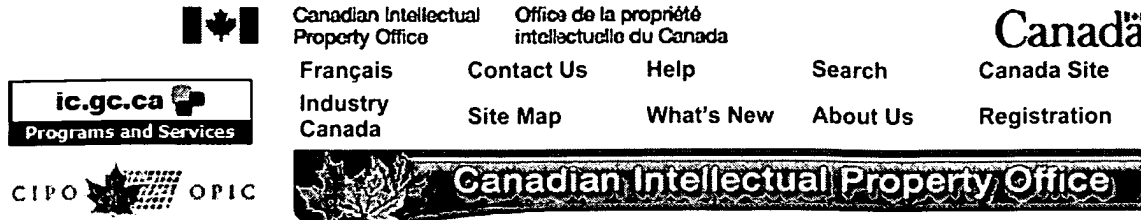
Yours very truly,

BOYNE CLARKE

Nicole E. Godbout
NEG/hmn
cc: Client



EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 109



Canadian Patents Database

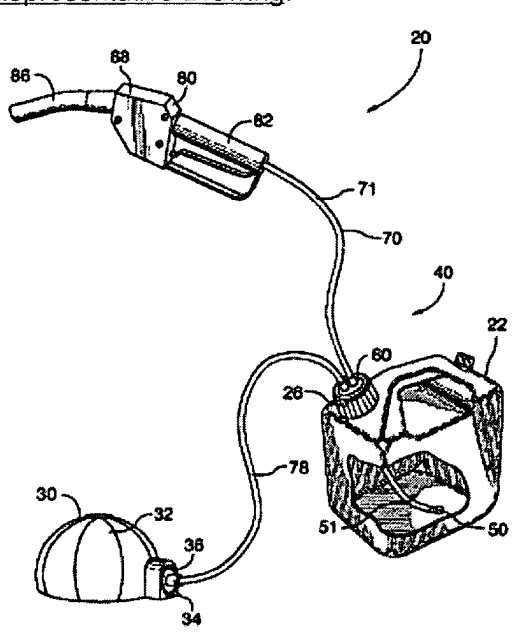
(12) Patent:

(11) CA 2433952

(54) POSITIVE PRESSURE LIQUID TRANSFER AND REMOVAL SYSTEM CONFIGURED FOR OPERATION BY A HAND AND BY A FOOT

(54) SYSTÈME DE TRANSFERT ET D'ENLEVEMENT DE LIQUIDES SOUS PRESSION POSITIVE, CONFIGURE POUR FONCTIONNEMENT À LA MAIN OU AU PIED

Representative Drawing:



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ABSTRACT

A method of pumping liquid from a container to a destination comprises the steps of connecting a foot operable air pump means in sealed air-delivery relation to the container; connecting a liquid delivery hose means in sealed liquid receiving-relation to the container at the aperture such that the inlet end of the liquid delivery hose means is submerged in liquid in the container, the liquid delivery hose means having a hand operable valve means for controlling the flow of the liquid through the liquid delivery hose means; and operating the foot operable air pump means by a foot, so as to pump air into the container, and operating the hand operable valve means by a hand, so as to cause the liquid

EVIDENCE APPENDIX FOR PETITION TO REVIVE 10/617,267 Page 110

to flow from the container, through the liquid delivery hose means, and to the destination. A related system, fitting, and adapter are also disclosed.

CLAIMS [Show all claims](#)

*** Note: Data on abstracts and claims is shown in the official language in which it was submitted.

(72) <u>Inventors:</u> (Country)	DRUMMOND, DAVID CARL (Canada)
(73) <u>Owners:</u> (Country)	DRUMMOND, DAVID CARL (Canada)
(71) <u>Applicants:</u> (Country)	DRUMMOND, DAVID CARL (Canada)
(74) <u>Agent:</u>	MACRAE & CO.
(45) <u>Issued:</u>	2008-01-08
(22) <u>Filed:</u>	2003-07-11
(41) <u>Open to Public Inspection:</u>	2004-05-18
<u>Examination requested:</u>	2005-07-12
(51) <u>International Class (IPC):</u>	F04F 1/06 (2006.01)
<u>Patent Cooperation Treaty (PCT):</u>	No

(30) Application priority data:

Application No.	Country	Date
2,420,624	Canada	2003-01-24
60/426879	United States	2002-11-18
10/388365	United States	2003-03-14

Availability of licence: **N/A**


Language of filing: **English**

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Last updated: 2008-06-01

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